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MESSAGE

OF THE

GOVERNOR OF FLORIDA,

TRANSMITTED,

WITH THE ACCOMPANYING DOCUMENTS,

TO THE

General Assembly of the State,

AT THE ANNUAL SESSION COMMENCING NOVEMBER 17, 1862.

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GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT,
Tallahassee, November 17, 1862.

Fellow Citizens of the Senate
and House of Representatives:

Since the adjournment of the last General Assembly important events have occurred in the State. Our enemy, the United States, have taken possession of Pensacola, Fernandina, St. Augustine, and the St. John's River. The loss of property to the State, and to many of our fellow citizens individually, has been immense, but a brave and generous people never complain of sacrifices necessary to the maintenance of their freedom and independence, and will ever cheerfully and cordially exert themselves to uphold the government of their choice, to which they have confided all their means of protection. The enemy threaten not simply to subjugate Florida, but to drive off, rob or murder the citizens, and to colonize the State with negroes and foreigners. To give fearful effect to the diabolical threat, much reliance is placed upon a recent proclamation of His Excellency Abraham Lincoln, the President of the United States. As the means the most terrific which could be devised to alarm the people of the South, and thus terminate the bloody war inaugurated by the fanaticism and wicked folly of the Abolitionists of the North, President Lincoln has been induced to issue a Proclamation, attested by his distinguished Secretary of State, Hon. William H. Seward, emancipating the slaves in States which refuse to recognise his power, and to be represented in the Congress of the United States.

The Proclamation has been regarded by the people of the Confederate States with scorn and contempt, and the effects produced by it upon the minds of enlightened and patriotic statesmen in the United States and Europe, have presented to the consideration of President Lincoln his own despicable character as a perjured usurper and malignant tyrant.

Thus placed *hors de combat* with the judgment of civilized nations, his pitying sympathizers, to relieve the distinguished President from the disreputable position, have insinuated that he issued the Proclamation to convince pestiferous fanatics of their folly, as an ancient king of England and Denmark did, when, "to confound his flatterers, he seated himself upon the strand and commanded the waves to retire." But, unfortunately for his Excellency, his Proclamation illustrates the wicked folly of Belshazzar, rather than the wisdom of Canute.

Belshazzar sacrilegiously polluted the golden vessels that were taken out of the house of God which was at Jerusalem. Lincoln, with a traitor's ambition, has desecrated the Constitution of his country, which was revered as the palladium of civil liberty and the ark of its political safety. Under the righteous condemnation of all statesmen of intelligence and patriotism, President Lincoln now tremblingly beholds written "upon the plaster of the wall", MENE, MENE, TEKEL, UPHARSIN.

STATE TROOPS AND STATE DEFENCES.

Florida has responded fully to every call made for troops to sustain the Confederate Government. Previous to the Act of Congress known as "the Conscript Act," nearly all capable of bearing arms had volunteered for Confederate service.

When the last General Assembly adjourned, Middle Florida, and that part of West Florida between Apalachicola

and Choctawhatchee River, were defended exclusively and successfully by troops in the service of the State.

There were no Confederate forces in the State East of Choctawhachee River, except those at Fernandina, at St. Augustine, and near the St. John's River, and at Tampa.

On the 14th of January last there was "a called Session of the Convention, begun and held at the Capitol."

The President of the Convention, in his address to it, stated that "The principal cause which has moved me to call you together on this occasion, is the danger that in my judgment, threatens the finances of the State. These are extraordinary and momentous times. The difficulties and embarrassments that now press upon our whole country—growing out of the war in which we are engaged—make it necessary to resort to extraordinary means to enable the State to act her part in conducting it.

"The blockade has cut off all intercourse with other countries, and for the present, has rendered useless and valueless the staples by which our people have heretofore been enabled to raise money, and it has become necessary to raise and use credit as a substitute. Accordingly, the General Assembly, on the 14th of January last, passed an Act to authorize the issue of $500,000 in Treasury Notes, to be used as money, and to sustain their credit, provided that they should be received in payment of all dues of the State, including the Public Lands; and on the same day passed also, 'An Act to authorize the issue of Bonds to the amount of $500,000 by the Commonwealth of Florida,' making an aggregate of $1,000,000, Bonds and Treasury Notes.

"Your Convention, on the 26th April, 1861, passed 'An Ordinance to raise money for the immediate exigencies of the State, and for the payment of the public debt.'"

"In the first section of that ordinance it is ordained 'That the Governor be and he is hereby authorized to borrow the sum of $500,000, to be applied first to the debts of the State,

and secondly to such other purposes as the condition of the country may render necessary.'

"In the fourth section of this ordinance it is 'ordained that the revenue arising from the sales of the Public Lands, except the proceeds of the sales of lands specially set apart for Education and Internal Improvement, shall be primarily applied to the payment of the interest of the Bonds enacted by this ordinance.'

"On the 29th April, 1861, the Convention passed an ordinance supplemental to the ordinance just recited, the first section of which is, 'Be it ordained by the People of the State of Florida in Convention assembled, that the Register of Public Lands of this State be and he is hereby directed and instructed to receive in payment for any lands heretofore sold, or that may be hereafter sold, through or by his office, nothing but gold or silver coin, or the bills of solvent Banks, anything that may be contained in any act of the General Assembly to the contrary notwithstanding.'

"It is manifest, therefore, that the General Assembly and the Convention felt the necessity of making preparation for the crisis, and both did so; but their schemes of finance are in some respects inconsistent, and conflict.

"The Act of the General Assembly authorizes the purchase of Public Lands with Treasury Notes of the State—the ordinance of the Convention forbids it. The ordinance of the Convention also repealed the Act of the General Assembly authorizing a loan of $500,000 upon Bonds of the State, leaving in force the Act directing the issue of $500,000 in Treasury Notes, and the ordinance of the Convention authorizing the Governor to borrow $500,000 upon the 8 per cent. Coupon Bonds of the State. In the practical working of these schemes of finance, it is found the Coupon Bonds of the State, authorized to be issued by the Convention, cannot be sold, and the money contemplated to be raised by this means is not available, leaving the only

resource for the supply of money for the State the Treasury Notes.

"To sustain the credit of these notes, therefore, has become a matter of vital importance to the State. With them she must pay her debts, meet her current expenses, and defray the expenses of her army. To suffer them to depreciate would entail upon her people a disaster that would be appalling indeed.

"How, it may be asked, can the Convention accomplish this desirable object? Let it be replied, by the application of every resource within her power or control."

"The Act of the General Assembly of the 14th February, 1861, provides that they shall be received in all the dues of the State. Let the Convention so modify, amend or repeal the ordinances heretofore passed, that they may be received in payment of the proceeds of the sales of public lands heretofore made or hereafter to be made, and authorize the holders to invest them in the 8 per cent. Coupon Bonds, directed to be issued by Ordinance No. 34. These are the resources of the State that occur to my mind as fairly and properly applicable to the object of sustaining the credit of the Treasury Notes. I commend the subject to the earnest consideration of the Convention, hoping that by your wisdom the well-being of the commonwealth may be provided for through the trying crisis in which we are involved."

It was no doubt presumed when the Convention had assembled and accomplished the alleged purpose for which it was called, it would adjourn, but it continued in session from the 14th to the 27th of January, and passed many important ordinances, vitally affecting the best interests of the State. It passed an ordinance in the following words, as appears by the Journal of the Convention:

"*Be it ordained by the People of the State of Florida in Convention assembled*, That, whereas, it is the sense of this Convention, that in all Military operations a divided power

engenders confusion and weakness; that in prosecuting this war of defence, the several States are a unit, represented by the Confederate Government, to which the sole power and management of such war of right belongs:

"*Be it therefore Ordained*, That the Governor be, and he is hereby required, on or before the 10th day of March next, to transfer into the Confederate service, all troops now in the service of the State; and, if they fail, or refuse to go into the Confederate service, said troops shall be disbanded."

The troops which were in the service of the State, were well armed and finely disciplined; had rendered and were rendering efficient service. They had protected from invasion the portion of the State which they were intended to protect; prevented slaves from escaping to the enemy; and had effectually cut off communication between the enemy and disloyal persons near the coast. Long previous to the meeting of the Convention I had used every proper influence to induce the volunteers in the State service to enter into, and had applied to the Secretary of War to receive them in the Confederate service, preserving their military organization; or if he would not do so, to assume the expenses incurred for the maintenance of State troops in the defence of the State. Called upon, by him, to co-operate in the defence of the State with State troops, a doubt could not be reasonably entertained of the willingness and duty of the Confederate Government to defray all necessary expenses. For a precedent to justify this opinion, consider the history of the American Revolution, and of the United States Government in the adjustment of Military claims. But the expense should have been a matter of trivial consideration compared with the objects to be accomplished.

I regretted very much and yet regret, the hasty action of the Convention upon the subject. The effect of their Ordinance was, in spite of every effort I could make, to disband the State forces, and thus create the necessity of abandoning

Apalachicola and other important positions to the mercy of the enemy. I believed then, and now believe, a more successful defence could be made at the city of Apalachicola, than at any point on the river, and I believed also, that the maintenance of our position at the city, was necessary to the proper protection of Middle and West Florida.

Impressed with this belief, I used every effort in my power to induce the Confederate Government to maintain the position, and I was informed by the Secretary of War that he could spare no forces for the purpose, but appealed for active efforts on the part of the State. I then applied to the Governors of Georgia and Alabama to aid me with forces to do it. The Governors of these States informed me that it was out of their power to render assistance. Letters upon the subject from the Secretary of War were submitted to the consideration of the Convention, and I appeared in person before their august body with the entire correspondence, and appealed to them, by every argument which I had the ability to make, to prevent their Ordinance going into effect—pointed out then what would be, and have been, the disastrous results of the Ordinance. But all efforts in my power were wholly unavailing.

No sooner was the Ordinance and its effect upon the State troops made known officially to the Confederate Government, than, impressed with the imminent danger to which other important parts of the Confederacy were thereby exposed, the Confederate forces which were in service in East, South and Middle Florida, were ordered to the Chattahoochee River. St. Augustine, Fernandina, the St. Johns River, Tampa and even St. Marks, were ordered to be abandoned The order was indiscreet and extraordinary, and successful efforts were made by me to have it revoked or modified—but previous to its revocation, all important positions in East Florida were lost.

Unable to induce the troops at Apalachicola to volunteer in the Confederate service, or continue them in the State service at Apalachicola after the 10th March, and no forces having reached the river in time to occupy the position, I was constrained to issue an order to Gen. R. F. Floyd, the gallant officer in command of the troops, to dismount his guns and retire with them out of the reach of the enemy. The order was executed in the presence of the enemy without the loss of a gun, any munitions of war, or any of the commissary stores. The guns were brought up the river, placed in battery at Rico's Bluff, and turned over to the officer then in command of the Military Department. The State troops having been paid off, were disbanded, except the few who volunteered in Confederate service, upon condition for furloughs to return home.

Such are the facts. But it is unnecessary to deplore the past. The question is, what can now be done for the defence of the State? Shall we depend exclusively upon the Confederate Government for defence? Shall we not do all in our power to aid the Government in our defence? We have no militia ready for service, and for reasons assigned in a special message to the last General Assembly, and which appear upon the Journals. The militia laws of the State are worse than dead letters; they are a tissue of absurdities, and I appeal to you to repeal the militia laws entirely, and to enact a suitable law by which every man and boy between the ages of 16 and 60, capable of bearing arms, may be immediately organized into an effective body of militia and prepared for immediate service. Vacate the few militia offices which have not been vacated by resignations, and let suitable officers be elected or appointed to command.

Ignore the militia "beat" lines as established, and organize companies, battalions and regiments, according to the condition of our population. No man should be exempt from militia service who is capable of bearing arms. Upon

your prompt and wise legislation upon this subject depend, perhaps, the lives, liberty and property of your fellow citizens—the existence and the honor of the State.

You may suppose the late act of Congress and its amendments may interpose insuperable obstacles, in regard to those between the ages of 18 and 45 years. Such, however, is not the fact. Those between the ages of 18 and 35 have already been enrolled, and the number capable of efficient military service are scarcely enough to make one company. Thus, by the enforcement of the Conscript act, the patriotism evinced by Floridians in volunteering to fight the battles of the country has been attested and made manifest. The act of Congress gives a discretion to the President of the Confederate States, which, under the peculiar circumstances of the State, he will exercise wisely and judiciously.

The militia may be organized so as to embrace those under 18 and over 45, to act as minute men, when necessary to co-operate with forces in Confederate service. Those between those ages, when organized, should be mustered into Confederate service for the defences of the State.

The number who in Florida have volunteered in the Confederate service, and promptly obeyed orders to march to Virginia, Georgia, Tennessee and other States, has been made known officially to the proper department of Government. In almost every battle that has been fought, Florida has been honorably distinguished by her gallant sons. Many of them have nobly fallen, vindicating fearlessly and unflinchingly the sacred rights and high character of intelligent freemen. Florida feels the inspiring loss, and should be animated by it to sustain during the war, the distinguished position won by the chivalry of her sons.

THE CONSCRIPT ACT.

You may believe it to be my duty to express the opinions I entertain, with regard to the constitutionality and expedi-

ency of the Act of Congress, called the Conscript Law.—When notified by the Secretary of War of the passage of the Act, and when I read it, and reflected upon the causes which induced Congress to pass it, the impression made upon my mind was, that the extraordinary circumstances which threatened the disbandment of the army in the field, and the Confederate States with subjugation by the enemy, demanded of Congress extraordinary legislation, and that if the Act was not constitutional, it was a judicial question, which should be decided, if at all, by the proper department of Government, and that each individual whose rights might be considered in jeopardy, would have the protection of an enlightened judiciary. I did not consider it necessarily, a question of political power between the Confederate and State Government. Moreover, in the existing condition of political and social affairs, concert of action between the State Governments and the Confederate Government was and is necessary to the successful maintenance of the war with the United States, the achievement of the independence of the Confederate States, and the protection of the lives, liberty and property of the citizens of the respective States. I know that it is frequently said, that "vigilance is the price of liberty," and that the independence and sovereignty of the States, should be equally guarded against the encroachments of Confederate power. The unity of interest between the States is such that I entertain no serious apprehension of permanent detriment to the rights of the States, and while I appreciate the axiom that "vigilance is the price of liberty," I consider it much more important, during the existence of the war, to watch and baffle the purposes of the enemy, than with skeptical apprehensions to criticise and defeat the purposes of the Government of our choice, administered by statesmen of our own selection. If circumstances would have justified delay, it would have been much more satisfactory for the General Assemblies of the respective States to have

enacted laws for the accomplishment of the purposes designed by the act of Congress, but the demand for immediate action in the premises was imperative. There was no time for argument or controversy. The enemy had calculated the causes which threatened our armies with disbandment, and boasted of the prospects afforded for our subjugation. The war still wages with almost unabated fury on the part of the enemy. Impending clouds of destruction hover over, and threaten the destruction of our liberties, of all rights of property, and the dishonor of our wives and children. These threatened evils can only be prevented by concert of action between the State Governments and the Confederate Government, and the indomitable and invincible courage and unfaltering patriotism of our entire population.

God forbid! that you, or I should do, directly or indirectly, aught to impede the victory of our arms. Let us do all in our power to animate our brave and suffering soldiers and to expedite the glorious triumph which awaits their deeds of generous daring.

Let Florida always be ready to yield upon the altar of the country her last son and her last dollar to maintain the struggle against the usurpation of the United States in attempting to degrade the women, children and freemen of the South.

THE WAR TAX.

It affords me pleasure to inform your honorable body, that the War Tax imposed last year by the Confederate Congress, was promptly paid as soon as the amount could be ascertained, and without any discount or loss upon the Treasury notes authorized by the General Assembly to be issued for that purpose. The amount authorized to be issued was $500,000, but only $233,000 was signed and prepared to be issued. This amount proved to be more than was neces-

sary. But I supposed from the data before me at the time, that it would be barely sufficient. Being called upon by the officer in command of the department to advance, on the credit of the Confederate Government, $96,436 and eleven cents, to enable him to pay the Regiments who were ordered from our State the amount which was due them previous to their departure, I advanced the amount upon the Confederate Treasurer's certificate of deposit. At the time I had not been notified of the full amount of the War Tax, the returns of assessment not having been completed, and believed that by advancing the amount in State Treasury Notes, I would accomplished two objects, viz: the payment of our troops, and in return for the amount advanced receive funds which were necessary to be had to pay the balance of the War Tax. This amount is now in the State Treasury to be applied to the payment of debts which will be due from the State the first of January next.

TREASURY NOTES.

I would respectfully suggest to the General Assembly to grant authority to arrange for, and deposite suitable funds in solvent Banks in other States, to sustain the circulation of the Treasury Notes of Florida in those States, and thus enhance the value of the bonds of the State, as well as sustain the credit of the Treasury notes as a circulating medium.

REPORTS OF HEADS OF DEPARTMENTS.

Herewith is submitted to your consideration reports made to me by the Attorney General, the Comptroller, the Register of lands, and the Treasurer.

Many important facts are stated, and valuable suggestions made in the respective reports, to which your attention is respectfully invited.

The Treasurer's and Comptroller's reports will exhibit to your consideration the fiscal affairs of the State. These reports show, as usual, that the expenditures of the State, even for civil purposes, exceed the receipts. I have had no reason to change the opinions which were expressed in a message to the last General Assembly as to the most advisable plan of reducing the expenditures. These opinions appear upon the journal, and it is deemed unnecessary to repeat them.

To derive the means necessary to meet the expenditures and sustain the Government, is a matter within your discretion, and is to be provided for by suitable legislation. It is difficult and perhaps extremely unjust to enforce laws for the collection of taxes against the property of the brave men who are absent from the State fighting the battles of the country, and especially against the property of such as are poor, and have left scarcely means enough, if enough, to aid in the support of their families.

The amount which has been paid for military purposes has been prepared, arranged in duplicate vouchers, and submitted through Col. Hugh Archer, the Adjutant and Inspector General of the State, (as a special agent of the State,) to the consideration of the proper department of the Confederate Government. His report relative thereto is herewith submitted.

LOAN TO THE PENSACOLA AND GEORGIA RAIL ROAD.

Since the adjournment of the last General Assembly, and at a time when an assault upon Fernandina was threatened and expected, the Pensacola and Georgia Railroad Company had the misfortune to lose by fire their foundry, machine shops, one of the locomotives, and all the oils and materials necessary to the operations of the road. I was informed by the President of the Road that owing to this misfortune and the consequent want of materials, as well as the want of money to procure them, the order of the officers in command

of the Military Department could not be executed. Brig. General Trapier at the time was at Fernandina, gallantly awaiting the expected attack of the enemy. The Confederate Government had neither money nor agent here to supply the means, and agreeably to the authority vested in the Governor of the State by the first section of the 34th ordinance of the Convention then in force, as the Governor of the State I procured by loan from the State Bank of Florida Five Thousand Dollars, and advanced the amount to the President of the Road, upon the faith of the Confederate Government to refund money advanced necessary for the support of military operations. The advancement of the amount was necessary to ensure the transportation of the forces and munitions of war requisite for the defences of Fernandina and East Florida generally. The amount has since been refunded to the State—the note given me has been paid and cancelled.

THE $21,000 DRAFT.

It is perhaps due to the State and to myself to allude to a circumstance referred to by a committee in a report to the last Convention. In the report it is stated, "Your committee cannot omit to note the fact that $21,000 of the funds of the State were in the hands of the Governor at the time his first communication in response to the resolution of the Convention was made, and no information given thereof." In regard to this matter there seems to have been a misapprehension of facts. By reference to the first communication made by me, according to the journal of their proceedings, it will appear that I had expressed a desire to receive a committee of discreet men, free from prejudices, to be sent by the Convention, to whose prudence I could entrust a knowledge of facts that I was unwilling, for the credit of the State, to make public. One fact was that the Treasury of the State was empty; that to subsist our forces in service,

the only reliance, without unnecessary sacrifice, was a draft of $21,419,50 which had not yet been discounted, and which, if discounted and the proceeds placed in the Treasury, would be drawn out upon warrants upon civil claims, and leave the forces at Apalachicola without the means of subsistence. When the committee was appointed and visited the Executive Chamber this draft was exhibited to the committee, and the reasons for my keeping control of it explained, and in presence of gentlemen who were present, the committee approved of my course. The draft could not be discounted in Tallahassee, but was soon after sent to Savannah and discounted, the proceeds deposited in the Treasury and used for the purposes for which the amount was intended. It is not to be presumed that any members of the Convention were anxious to have the draft discounted and the money placed in the Treasury, drawn out to pay the expenses of the Convention, and thus leave the troops to suffer for the means of subsistence.

AID TO INDIGENT FAMILIES OF VOLUNTEERS, &C.

I would respectfully recommend to your honorable body to make ample provisions to secure the necessary food and clothing to the indigent families of those who have volunteered or been brought into service as conscripts. A fund should be provided for the purpose by taxation, the amount thus raised deposited in the State Treasury and prudently distributed. In pursuance of the spirit manifested by Congress in imposing "the War Tax" those who are in service, whose entire property does not amount to five hundred dollars, should be exempted from such taxation. The plan of relief devised by the last Legislature is imperfect. There are several counties in the State where the amount of property is not sufficient to raise by a county tax the means necessary, and in these counties particularly, the citizens have

manifested their patriotism by volunteering and leaving their parents, wives and childen, dependent upon the good will and faith of the State for their support.

In considering the provision made in other States for this purpose, my mind has been favorably impressed with the act passed by the General Assembly of Alabama, a copy of which is herewith submitted, and to which your attention is respectfully invited.

DISTILLERIES.

There is no statute of the State forbidding distilleries. Circumstances connected with the present war have exhibited prominently the wicked influences of intemperance. Nevertheless the Confederate Government have deemed it necessary to have Whiskey and Alcohol distilled for medicinal purposes, and a correspondence between Dr. E. W. Johns the Medical Purveyor and myself is hereby attached, to which your attention is respectfully invited. I am anxious that Florida should afford every facility to the Confederate Government to provide for the health and comfort of the soldiers, but candor requires me to say, that with the prospect before us of the continued scarcity of flour which is now experienced, my judgment does not approve of the policy of converting corn into whiskey or alcohol. The corn will be needed by the people for bread, and to feed the immense number of horses which are in use for military purposes. Notwithstanding the alleged bountiful crop of corn, it is already commanding high prices, and in proportion to the amount which shall be distilled, the price will be increased, and lessen the opportunities of the poor and needy to procure bread.

Moreover, experience has proved that in some instances, intemperance has been the alleged cause of defeat to our arms, and that among the healthy ardent spirits create a morbid appetite which exerts the most demoralizing influences

upon society. Especially while the wives and children of our soldiers are intrusted to the care of the State, should the use of ardent spirits be discountenanced.

I would respectfully recommend to your honorably body the enactment of a law which will forbid, under severe penalties, the distilling of whiskey or other spirituous liquors. If permitted, heartless speculators will monopolize the corn which is for sale, convert it into whiskey, and by its sale in the State demoralize our citizens, or take it into other States to the injury of their citizens. The corn which should afford bread to our needy citizens—the wives and children of our soldiers—should not be converted into whiskey for any purpose.

Previous to the planting of the last crop public sentiment required corn and grain crops to be planted to the exclusion of cotton. If there shall have been made an abundant crop of corn, (which the present prices would seem to imply is not the fact), shall the abundance *insure* corn at reasonable prices to the needy? or shall it be decreased in quantity by converting the grain into whiskey, thereby increasing the price by producing a scarcity, and thus thwarting the patriotic object the planters had in view in planting corn to the exclusion of cotton?

In connection with the subject I would respectfully invite the attention of your honorable body to Ordinance No. 52, of the last Convention, entitled "An Ordinance for strengthening the Executive Department during the exigencies of the present war." The gentlemen selected by the Convention as a Council passed an advisory resolution upon the subject of distilleries, which will appear in the proceedings of the Council hereunto attached.

EXECUTIVE COUNCIL.

Agreeably to the Ordinance above mentioned the Governor and Executive Council were invested, as far as the Con-

vention had the power to invest them, with extraordinary power "to declare martial law, to such extent, in such places and at such times as shall be required by the exigencies of public affairs to arrest and detain all disloyal and disaffected persons whose being at large they shall deem inconsistent with the public safety; to order and enforce (subject to the owner's right to receive due compensation from the State) such disposition or appropriation of private property for public uses as the public necessity shall appear to them to require; to make and cause to be executed all such orders, regulations and amendments as they shall from time to time find expedient, in cases of imminent danger from invasion or otherwise, for bringing into service, organizing and supporting the whole, or any part of the population of the State, to be employed in the public service, and also for maintaining such efficient police as shall by them be thought necessary; to make, secure or employ arms or munitions of war, and whatever else may be required for the defence of the State; to constitute and appoint such agents as shall be necessary for the more efficient execution of the powers hereby confided to them; for these purposes to draw money from the public Treasury by warrants from the Comptroller for the same, which warrants the Comptroller is hereby required to issue on their demand; to make all such nominations and appointments for military offices as the Governor has heretofore been authorized to make; to fill all offices and appointments when there is any vacancy for default of action by the General Assembly, or otherwise during a recess, and to fill any vacancy which may occur in the Council by reason of the death, resignation, or removal from the State, of any one of the members thereof chosen by this Convention."

In the execution of these extraordinary powers it is provided in the 5th section of said Ordinance, "That the Governor and any two of the members of Council shall constitute a quorum for the transaction of business, and the con-

currence of a majority of all present shall be required for the validity of any action in which the Governor and Council are required to act conjointly."

When the Convention assembled, soon after their organization, they informed me of their presence by a committee. Composed of respectable gentlemen from various portions of the State I extended the civilities due to fellow citizens of commanding influence, but frankly expressed to them the opinion which I then entertained, and now entertain, "that the powers with which they had been invested by the people had ceased with the accomplishment of the objects for which they had been elected as delegates to represent the people in Convention, as well as by their own action in Convention, and by the terms of their own adjournment. That I would not, howevever, arrogate the right of deciding upon their claims to power, unless brought in conflict with them in the performance of duties incidental to my official position, in which event I should, to the best of my ability, 'preserve, protect and defend' the Constitution, and enforce the laws of the State—that I would extend to them the respect which was due to gentlemen of intelligence, and afford them every facility, as citizens of the State, for ascertaining the true condition of State affairs—especially in regard to the finances—and would be happy to co-operate with them consistently with the Constitution and laws, in any practical effort, to promote the welfare and dignity of the State."

The primary object and purpose of the Convention was to decide whether or not Florida should secede from the United States—and if she did, whether or not she would do so alone, or co-operate with other States in dissolving the Union.

I have no reason to believe that any other questions were discussed by the people. Upon the issues incidental to these questions alone, parties were arrayed and delegates to the Convention elected.

The people certainly did not intend to invest the Convention

with the ordinary legislative powers. Accustomed to act upon the principles which time immemorial had established as necessary to the preservation of civil liberty, they certainly did not intend to intrust their liberty, lives and property to the caprices of unrestrained legislation. The history of ancient Republics and of the United States, had taught them to know the value of constitutional restraints upon legislation and the dangers incident to a majority despotism. The Congress of the United States and the General Assemblies of the several States, in their legislative action were subjected to Constitutional restraints, and no proposition would have been considered by the intelligent people of Florida more preposterous than a legislative body without restraint. The Constitution of the Confederate States and the Constitution of each of the Confederate States, provides for the exercise of the veto power, to restrain hasty and detrimental legislation. Of all despotisms a majority despotism is most dangerous to civil liberty. But if the people did intend to invest the Convention with sovereign power and the ordinary power of legislative assemblies, the Convention, by the adoption of the Constitution which they promulgated on the 27th day of April, 1861, as the supreme law of the State of Florida, and which they themselves, (previous to their last meeting,) and the civil and military officers of the State had sworn to "preserve, protect and defend," had yielded the powers of legislation in the terms of the Constitution.

In my judgment very erroneous opinions have prevailed on two subjects. First, that when the State seceded its own organic Government ceased. Second, that the people of the State are indebted to the Convention for the present Constitution of the State.

If the first proposition were true, Florida was not an Independent Sovereign State, but a mere appendage of the United States Government, and had no right to secede in a

political character, although her people as individuals had the right, with the hazard of rebellion and revolution.

If the second proposition were true, it would be the incident of the first, and if Florida had no Constitution for the Government and protection of the people, until the Convention adopted the Constitution, there are no statutes or laws of force in the State, except such as have been enacted, or adopted, since the adoption and publication of the Constitution by the Convention.

The facts are, the Convention did no more than have republished the Constitution of the State which authorized Florida, as a free, sovereign and Independent State, by the will of her people, through a Convention to secede. The Convention was authorized to make such amendments to the Constitution as the cessation of political relations demanded, and for the amendments made by them, the people are indebted to their wisdom.

The second article of the Constitution provides, 1st, that "the powers of the Government of the State of Florida shall be divided into three distinct departments, and each of them confided to a separate body of magistracy, to-wit: those which are Legislative to one; those which are Executive to another; and those which are Judicial to another."

2nd "No person or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except in the instances expressly provided for in the Consitution."

By the 1st section of the 3rd Article of the Constitution, "the supreme executive power is vested in a Chief Magistrate, who shall be styled the Governor of the State of Florida."

By the 1st section of the 4th Article, "the Legislative power of the State is vested in two distinct branches, the one styled the Senate, the other the House of Representatives,

and both together, the 'General Assembly of the State of Florida.'"

The 1st section of the 5th Article vests the judicial power of the State in a Supreme Court, Courts of Chancery, Circuit Courts and Justices of the Peace—and no one of these departments has any right to exercise any power belonging to either of the other.

The Convention did not possess Executive, Legislative, or Judicial powers, but simply delegated authority to exercise the power of the people, in severing the relations of the State, with the United States, and making such amendments to the Constitution, as were necessary to Florida as a free sovereign and independent State, seperated from the other States, without detriment to the Commonwealth.

The Convention had no power to destroy the Government of the State as established by the Constitution, and thus hurl the people into a state of anarchy and confusion.

The Convention had no right therefore, to create an Executive Council and invest the Council with Supreme power over the liberty, lives and property of the citizens.

These opinions I expressed respectfully to the gentlemen whom the Convention elected as members of the Council, and extended to them the courtesy due to gentlemen of intelligence, patriotism and integrity.

We had, as you will perceive by the copy of the proceedings attached, several meetings, and adjourned on the 1st of May last, with mutual respect and kindness, to meet again on the 7th day of July, but none of them attended on that day; and since that time I have not had the pleasure or honor of meeting with them.

If the opinions I have entertained and expressed are erroneous, and the Convention possessed the powers it claimed, then in Florida there are three legislative bodies—the Convention—the Executive Council—and the General Assembly—the last the only one subject to constitutional restraint.

The causes assigned by the President of the Convention why he called the Convention to its last session, viz: to repeal an ordinance which repealed a statute of the General Assembly—which statute a short experience had proved even to the members of the Convention, to be necessary to the credit and plighted faith of the State—proved conclusively, at least in that particular, the superior wisdom of the General Assembly, which superior wisdom I respectfully invoke to repeal that portion of the 49th Ordinance of the Convention which authorizes the sale of the lands of the State at nominal prices. The effects of the Ordinance have been to enable speculators to purchase large bodies of land at much less than their value, and in some instances, to deprive the wives and children of our absent soldiers of homes, at which they had left their families under the protection of the State. In my humble opinion, the sale of lands in the State should have been suspended during the war, that when it closed, our gallant soldiers—honorably distinguished by their noble deeds—should, upon their return, have been afforded the opportunity of procuring in their own State comfortable homes at reasonable prices. The ordinance of the Convention has a provision which was intended, no doubt, to protect soldiers in exemption rights, but there was no clause in the provision which accomplished the object.

CLASSIFICATION OF THE ORDINANCES.

By the 63rd ordinance the Convention classified their ordinances, distinguishing such as they intended should be permanent, and such as might be repealed by the General Assembly. Such ordinances as were not permanent in their character the 63rd ordinance makes repealable. For the convenience of the General Assembly I present herewith an analysis of all the ordinances of the Convention, to which the attention of your honorable body is respectfully invited.

PUBLIC LANDS.

The resources of the State to redeem its Treasury Notes and sustain its government, are the lands owned by the State and taxation.

The lands are ample for the purpose, if wisely disposed of. I would respectfully recommend that the sale of lands be postponed until the termination of the existing war. That then, those who have rendered military service should each have secured to him or his heirs an exemption right of at least one hundred and sixty acres of land; that having been done, the remaining lands should be disposed of from time to time, at public outcry, after reasonable notice of the time of sale has been published in this State and the adjacent States. The competition thus excited would secure reasonable prices, and invite emigration to the State, and in proportion to the property introduced by emigrants, and the improvements which would be made on the lands—if the proceeds of the sales should be insufficient to relieve the State from debt—the weight of taxation would be lightened, and additional facilities secured for the support of the government and the prosperity of the State.

I recommend that returns of all taxable property should be made under oath, and the owner, or owners, or agents be required to specify the tract or tracts of land owned agreeably to the descriptions given in the patents of title or Register's certificate; also that the returns should specify certain ages of slaves, and a specific tax be imposed accordingly as suggested in the Comptroller's report.

ESTATES.

The Treasury Notes of the Confederate Government should be made receivable in payment of all dues to estates of deceased persons, to remedy existing evils arising from the hesitancy of Executors, Administrators and Guardians

to receive them in payment of claims. Executors, Administrators, and Guardians should be authorized to invest any funds belonging to estates, or to minors in Confederate bonds. I would also respectfully recommend such legislation as may be consistent with the Constitution to sustain the circulation of the Confederate Treasury Notes at par value.

SALT.

In November last I was informed that there was a large quantity of salt at Apalachicola, held for the purposes of speculation. Citizens of this and adjacent States desired to purchase, and a refusal to sell at reasonable prices, produced excitement which threatened to terminate in violence by the seizure of the salt by a mob. At the time, Apalachicola was threatened by the enemy, and the salt was liable to fall into their hands. The salt was much needed for the use of the State Forces and their families and other citizens. General Floyd, the officer in command, was ordered to take possession of the Salt and send it (except such as might be necessary at Apalachicola) to Ochesee, 90 miles above Apalachicola, and store it there with Mr. Jason Gregory. The order was executed. Suitable agents were appointed to dispose of it, by sale to the soldiers families and to other citizens. It was distributed by sale as directed, except a small quantity now in the Quarter-Master's Department, to be distributed gratuitously to citizens unable to purchase.

There was a quantity of the salt owned by Mr. D. K. Dodge, (agreeable to the information I had received,) a respectable citizen and merchant of Apalachicola. Mr. Dodge visited me at this place on the subject. I assigned to him the reasons why the salt had been taken, and the conditions and price, viz: five dollars per sack, upon which it had been ordered to be disposed of, and offered to pay him five dollars per sack at that time, or whenever he should desire it, for the

quantity which had been seized. He declined to receive the money, but agreed to receive in payment for a large portion of the salt which had been sold by Mr. Isaac R. Harris, of Gadsden, and Mr. Isaac Widgeon, of Jackson county, drafts for the amount which had been sold by these gentlemen, and to receive the amount which would be due for the balance of the salt whenever he might demand it.

I accordingly gave him drafts on Mr. Harris and on Mr. Widgeon, but from some cause unknown to me, he did not present the drafts to these gentlemen, or return them to me. The proceeds of the sales are on special deposit in the State Treasury, and herewith is submitted copies of the orders and correspondence on the subject, together with a statement specifying the sales made of the salt.

It has been an important question for some time past, what provision shall be made to secure to our citizens the salt which will be needed in the State. Twelve thousand sacks of ordinary size would be an abundant supply, and I should have endeavored to procure the quantity necessary, but I had no authority to use the funds of the State for the purpose.— During the last three or four months immense quantities of salt have been, and still are, being made in the State. Daily thousands of bushels have been, and are being transported from the State.

The makers of salt have the protection of the State, and have made, and are making immense profits in its manufacture. The laborers and teams necessary to its manufacture and transportation have consumed, and are consuming large quantities of grain which has been made in the State, and in proportion to the quantity consumed, and being consumed prices upon bread stuffs have been advanced, and they rendered more difficult to procure.

Salt makers who make a maximum quantity per diem, have been exempted by an act of Congress from the military service of the Confederate States, and to secure at least

sufficient salt to supply the indigent families of those who have volunteered and are in military service, or have been conscripted, killed, wounded or been discharged for disability. I would respectfully recommend to your honorable body to enact a law requiring those engaged in making salt to pay for the privilege one tenth part of the salt manufactured or hereafter to be manufactured in the State, to be appropriated to the use of indigent families particulary, and for the benefit of the State generally, and by the same statute to provide for suitable agents to receive and distribute the salt, and for its enforcement.

While in other States hundreds of bushels have been manufactured, thousands of bushels have been manufactured in Florida. Daily hundreds of wagons and teams are passing to and fro through Florida from other States, transporting salt manufactured in this State, consuming our means of subsistence, contributing only to the cupidity of speculators, and refusing, if I am informed correctly, to receive the Treasury Notes of the State in all their fiscal transactions, and thus while deriving subsistence from the State, inflicting injury upon its credit. It is said and believed that parties engaged in making salt upon our coast, soon after they commenced its manufacture sold it at three dollars per bushel, and considered that price remunerative for the labor and attention necessary to its manufacture. But a wicked spirit of speculation induced a monopoly on the part of some engaged in its manufacture, which has caused the price to be advanced to sixteen and twenty dollars per bushel. I appeal to the wisdom of your honorable body for suitable remedies against the evils complained of, compatible with the comity and kindness of commercial intercourse which should be maintained between the States.

MONOPOLIES.

The 24th section of the 1st article of the Constitution de-

clares, "that perpetuities and monopolies are contrary to the genius of a free State and ought not to be allowed." In pursuance of this wise provision of the Constitution, the last General Assembly of the State enacted a law to prevent monopolies, and the law, while generally considered of force, restrained the cupidity of those disposed to monopolize and speculate upon the prime necessities of life. But the Convention at the last called session alluded to, repealed the act of the General Assembly, and immediately, thereafter the flood-gates of every species of villainy seemed to be unhinged, and from every portion of the State intelligence has been received at the Executive Department of the vile acts of heartless villains, in monopolizing and speculating at the most exhorbitant prices upon salt, leather and other articles of prime necessity.

Upon this subject, I have been requested by the Governor of Georgia, made agreeably to a resolution of the General Assembly of that State, to invite the attention of the General Assembly of the State of Florida, to an act passed by the General Assembly of Georgia, entitled "An Act to prevent during the existing war, monopolies, extortions and speculations in breadstuffs and other articles of general use and consumption, and to make such acts criminal, and to provide penalties for the same."

The copy of the act is herewith submitted to your serious consideration. Its provisions are wise and just, and I respectfully recommend to your honorable body to enact a corresponding act for the protection of the people of Florida.

HOSPITAL IN VIRGINIA.

The hapless condition of troops from Florida in service in Virginia, made a hospital in Richmond necessary to their personal comfort. By the patriotic and energetic efforts of Gen. M. Whit Smith, Dr. Green H. Hunter, Mrs. M. M. Reid, and other good citizens, a suitable building was provi-

ded there, and to supply it with what was necessary, many citizens have contributed generously, and as the Governor of the State, I advanced the amount necessary to make up any suppposed deficiency. From a list annexed, your honorable body may ascertain the respective amounts subscribed by communities and individuals, so far as they have been made known to me, and the amount advanced and applied by the State. At the request of many prominent citizens, I agreed to aid in the management of the Hospital, and for the purpose have appointed Dr. Palmer Superintendent and Director, and Dr. Green H. Hunter a special agent. I have recently been informed that Dr. E. T. Sabal, a worthy citizen of this State, a surgeon of distinguished ability, had been assigned to the Hospital by Confederate authority, From the personal acquaintance which I have of Dr. Sabal as a patriotic and intelligent gentleman, a learned and skilful physician and surgeon, the intelligence of his appointment was entirely agreeable to me and can but inspire the immediate relatives and friends of those who may be inmates of the Hospital, with confidence as to the kind and skilful treatment which they will receive.

Like provision should be made for troops from Florida in other States, and I would respectfully recommend to your honorable body to make ample provisions to secure the comfort of the wounded, sick and needy soldiers of the State, wherever they may be. It would afford me pleasure to render any assistance, but the entire management of affairs necessary to the accomplishment of the purpose, could and would be much more efficiently conducted by special agents, who could devote the personal attention necessary, and which official duties render impossible on my part.

HOSPITAL IN FLORIDA.

In this city is a Hospital, which was established by the ladies of Tallahassee. The commodious and pleasant building

occupied for the purpose, was generously offered to them, free of expense to the State, by our worthy fellow-citizen, Col. Alfred Fisher.

Every article which was necessary to the comfort of the sick and wounded soldiers who had been or were in service, was contributedby the ladies, and their personal attendance and kindness, have gently imposed upon those who were inmates of the Hospital, and upon the State generally, a sacred debt of gratitude.

The generous citizens of Monticello and of Lake City, also provided and furnished Hospitals in those places, which have exalted the distinguished reputation of our citizens for charity and generosity, and entitle them likewise, to the endearing obligations of gratitude on the part of the State, and of the many soldiers who experienced the blessings provided. It is a proper subject of congratulation, that in every village and neighborhood throughout the State, the citizens generally, and the ladies particularly, have extended to every passing soldier, sick or wounded, the attention and means necessary to his personal comfort and relief: and whenever and wherever efforts for relief have been unavailing and death has ensued, the gallant soldier has been consigned to the grave with appropriate ceremonies, with grief at his country's loss, and sympathy for his friends.

CLOTHING FOR THE SOLDIERS.

The vicissitudes of war movements have, according to information received, rendered many of the forces from this State destitute of necessary clothing. The ample provision which it was believed would be made by the War Department—from causes that perhaps could not have been overcome—it appears has not been made. In various portions of the State, the citizens have contributed freely, and I have exhausted all the resources authorized by law in efforts to provide what was necessary.

The women of Florida "God bless them," have signalized themeslves and our noble cause by their generous, patriotic and untiring efforts to feed and clothe our gallant soldiers, and cheer them on to victory in the achievement of our Independence—by bold and defiant resistance to villanous and daring efforts of the enemy for our subjugation.

I would respectfully recommend to your honorable body, to make liberal appropriations and suitable provisions to aid the Confederate Government in clothing and supporting the armies in the field.

CONSTITUTIONAL PROVISIONS.

I would respectfully invite your attention to the fact, that the construction placed by me on the latter clause of the 16th section of the 3rd article of the Constitution—upon which construction I have acted, and shall continue to act while Governor of the State—is different from that given to it by my immediate predecessors, who acted upon their own construction. The clause alluded to is as follows: "if any bill shall not be returned by the Governor within five days, (Sunday excepted,) after it shall have been presented to him, the same shall be a law in like manner, as if he had signed it, *unless the General Assembly by their adjournment prevent its return, in which case it shall not be a law.*" The construction placed upon this clause of the Constitution by my immediate predecessors was, that they had the right to sign bills after the adjournment of the General Assembly, and they did sign many bills after the adjournment, all of which, if in the course of litigation they had been submitted to the consideration of an intelligent Court, would, in my humble judgment, have been pronounced unconstitutional and consequently of no legal force.

The last General Assembly passed many important bills

which had not been enrolled, others which had been enrolled were not presented to my consideration previously to the adjournment, consequently much of their arduous labor in Legislation was useless and expensive to the State.

Your attention is invited to the subject, that, being apprised of the opinion which I entertained, and upon which I shall act, the legislation which your honorable body shall deem necessary to the welfare of the State may be perfected previous to your adjournment.

The attention of the General Assembly is respectfully called to the twenty-sixth and twenty-seventh sections of the fourth article of the Constitution, with a view to such legislation as shall be needful in the exercise of the authority therein granted. The twenty-sixth section, directing the removal of officers for incapacity, misconduct or neglect of duty, charges the General Assembly with the duty of passing a law providing the mode in which all trials shall be had, where no special mode is provided by the Constitution. Aside from the importance of such a law, the duty of enacting it will be seen to be imperative, and should not be overlooked in your deliberations. It is believed that no simple and expeditious means now exist to deprive incompetent and inefficient officers of their commissions, however injurious their continuance in office may be to the public interests, and I therefore invoke your early attention to the subject, in the hope that you will not suffer the present session to expire without supplying the want which has been so seriously felt in the past.

The twenty-seventh section refers to the organization of a Court for the trial of offences committed by slaves, free negroes and mulattoes. The provision made in this section for such trials was manifestly intended to be but temporary, and until the General Assembly could act upon the subject. Experience has proved that the court which has been constituted is extremely cumbersome, and indeed utterly unfit

for the due and proper examination and decision of the principles of law involved in nearly every criminal trial. A Court composed of fourteen persons to whom is committed the decision of the law and the facts of a case, at once suggests the difficulty in the way of arriving at a prompt and certain conclusion in reference to all the points that arise in the course of a trial. When we reflect too that two Justices of the Peace and twelve citizens, unlearned in the law, compose the Court as at present constituted, the necessity for a change better suited to the end in view, and better calculated to insure the administration of justice, becomes apparent.

THE BLOCKADE.

From the first moment that it was ascertained that foreign nations had signified their purpose to respect the blockade of the ports of the Confederate States, made on the part of the Lincoln Government, I entertained the opinion that the policy of the South was, to remedy the imperfections of the blockade, and to cut off entirely all commerce with the United States and other foreign nations, until commercial necessities should demand the recognition of the independence of the Confederate States, and the removal of the blockade by suitable commercial treaties.

In a letter addressed by me to the Senators and Representatives of Florida in Congress, my opinion and knowledge of facts to sustain it, was made known, as will appear by the following extract from the letter:

"The ability of the Confederate Government to command the respect and the recognition of the European Governments, and maintain the war successfully with the United States, depends very much upon wise control of cotton. The villainous traffic which is carried on by speculators, under the plea of furnishing the people of the South with the prime necessities of life, should be suppressed.

"In November last I opposed vessels leaving Apalachicola with cotton, but agreed, after consulting the Secretary of the Navy, to let them depart with turpentine. In violation of this understanding an attempt was made to leave the port with a ship load of cotton, which was prevented by my order to Gen. Floyd, then in command of the forces at Apalachicola. The Secretary of War, the Hon. J. P. Benjamin, interposed, insisting on the right of the vessels to depart. Agreeably to the views of the Secretary of War, five vessels were permitted to leave the port, and were captured by the enemy in transitu."

"Since then other vessels have left our ports with cotton, some of which have returned with coffee, salt, and other articles of merchandise, which the owners or their agents have disposed of at the most exorbitant rates to the citizens of this and adjacent States.

"Some of the goods were manufactured in the United States, and over the manufacturers stamps upon these goods the names of English manufacturers were stamped, which, upon being removed exhibited the cunning device of Yankee villainy, thus confirming a suspicion which I had entertained and expressed, that frauds were perpetrated under the pretence of loyalty to the South.

"After patient enquiries of several months the evidence obtained, satisfied me beyond doubt that individuals residing in New York, Boston, Havanna and Nassau, and in some of our Southern cities had formed co-partnerships by which to carry on the most nefarious and profitable traffic under false pretences. Partners residing in the South professing loyalty to the South, partners residing at the North expressing loyalty to the North, and partners at intermediate points loyalty only to circumstances. The owners or agents in Havana or Nassau receive merchandise sent from Northern cities and receive also cotton shipped from the Southern ports; the merchandise to be sent to the Confederate States,

the cotton to the United States, and thus the people North and South have been and are fleeced by speculating traitors.

"By such base means our citizens have been and are subjected to the vilest system of extortion for the "prime necessities of life," and not only has cotton been thus obtained by the enemy, but information prejudicial to our interests has been obtained; our slaves have been corrupted and decoyed off, and some of the more ignorant of our white population made disloyal by the influence of traitorous speculators.

"What would be the effect of an Act of Congress prohibiting, under severe penalties, shipments of cotton or other products from our ports, and under like penalties prohibiting the introduction of merchandise, from not only the United States, but all foreign countries which refuse or hesitate to recognize the independence of the Confederate States of America? Our people by industry and enterprise can make all they absolutely need. The citizens of foreign nations, anxious to trade with us, if prevented while our ports shall be blockaded, by our own government and the patriotism of the people, will have a direct and powerful interest in the removal of the blockade.

"The love of speculation and profit which makes thousands anxious for the continuance of the war, if all commerce shall be interdicted, will make the lovers of traffic in the United States and Europe anxious to terminate a war the existence of which shall be ascertained to be the cause of cutting off all trade, legitimate or by fraudulent devices, with the people of the Confederate States.

"But it may be said that some commerce is necessary to enable us to get guns, firearms, and munitions of war. Have not the United States captured as many of these articles, which were purchased by the agents of the Confederate Government, as have run the blockade? In proportion to the number captured by them, our enemies have been armed at our expense for our subjugation. With the arms and mu-

nitions of war now possessed by the Confederate Government, courage and daring deeds well directed, will make us take from the enemy what we need with less expense, and with more glory, honor, and certainty, than we can obtain them otherwise, while our ports shall continue blockaded, and foreign nations shall quietly submit to the blockade.

"It was said to be important to encourage a violation of the blockade to prove to foreign nations its inefficiency, and thus invite their opposition to it. The proof of its inefficiency has been ample, but without producing the desired effect.

"Foreign nations will not recognize the independence of the Confederate States until commerce with the Confederate States will become not only desirable, but necessary to their own prosperity. Then, and not until then, will our independence be recognized, and suitable treaties be made to regulate our political relations, and protect commerce with other nations."

I am not informed that Congress has done anything upon that subject. If your honorable body shall concur in the opinions which I have expressed, it will be your duty to enact a law for the protection of Florida, and the duty of the Executive of the State to have it executed.

RAIL ROADS.

There are no means of transportation more safe and expeditious than Railroads prudently and wisely conducted, whether for the purposes of commerce in peace, or for the concentration of troops, &c., in war.

The Rail Road Companies of this State have been liberally aided by Government patronage. Frequent complaints, however, have been made, that by mismanagement, they have failed to afford to the military forces as well as the citizens, the prompt, safe and expeditious means of transportation, which of right could reasonably have been expected.

Assembled from the respective counties of the State, your honorable body have the intelligence necessary to determine the justice of these complaints, and if true, the power to correct the evils complained of.

In connection with the military defences of the State, after mature reflection, I still entertain the opinion expressed a year ago, that the completion of the Pensacola & Georgia Rail Road to Chattahoochee, on the river of that name, is a military, political and commercial necessity. It has been time and again urged, that it is equally if not more important, to make the connection at Houston or Monticello, with the Albany & Gulf Railroad, leading from Savannah by Thomasville and Bainbridge to the River. The reasons why I do not yield to the latter opinion are:

First. That if it is a military necessity to connect with the river, it is a pressing necessity; that to connect with the Albany & Gulf Rail Road and complete it to the river, a distance of 70 miles has yet to be spanned, while the distance is only 22 miles from Quincy to Chattahoochee.

Second. That the Albany and Gulf Road is liable to incursions on the part of the enemy, at various points between Savannah and the proposed points of connection, while the route by Quincy could only be interrupted at its terminus by a large force ascending the river, provided the means of defense of the Military Department should be adequate, which would require a much less force than would be necessary to protect the various points on the Albany and Gulf Road, which is much more exposed to the enemy.

Third. When at Chattahoochee the road will be extended in the direction originally designed, and required by the charter and necessary to the political, commercial and social relations of the State.

Fourth. If the connection should be made with the Albany and Gulf Road, and it extended to the river, the Pensacola and Georgia Railroad will be entirely supplanted,

and the receipts for transportation upon it will not equal the expenses which will necessarily have to be incurred to keep it up, and the consequences will be ruinous to the stock-holders, and to the best interests of the State, and will demand for the relief of the State, the forfeiture of all rights to lands which were promised to the Company upon their good faith and undertaking to complete the road.

Already West Florida complains reasonably and rightfully at the immunities granted to the Road upon conditions not complied with, and which have debarred the citizens from the ownership, occupation and cultivation of valuable lands. Important parts of West Florida have not even mail facilities with the Capitol of the State, except by a route through Georgia, and the only important political right which the citizens there enjoy, is the right of representation for taxation to support the State Government. The consequence is, much dissatisfaction and serious complaints, which tend strongly and defiantly to the connection of that portion of the State, with the State of Alabama.

In conclusion, permit me to invite your patriotic consideration, agreeably to the request of the Governor and General Assembly of the State of Georgia, to the following resolutions, adopted by that proud, powerful and noble State, viz:

"*Resolved, by the Senate and House of Representatives of the State of Georgia in General Assembly met*, That it is the sense of this General Assembly, that the seperation of those States now forming the Confederate States of America, from the United States, is, and ought to be, final and irrevocable, and that Georgia will, under no circumstances, entertain any proposition from any quarter, which may have for its object a restoration or reconstruction of the late Union, on any terms or conditions whatever.

"*Resolved*, That the war which the United States are waging upon the Confederate States should be met on our part with the utmost vigor and energy, until our indepen-

dence and nationality are unconditionally acknowledged by the United States.

"*Resolved*, That Georgia pledges herself to her sister States of the Confederacy, that she will stand by them throughout the struggle—she will contribute all the means which her resources will supply, so far as the same may be necessary to the support of the common cause, and will not consent to lay down arms until peace is established on the basis of the foregoing resolutions."

The Convention, at its called session already alluded to, have endorsed in a proper spirit, and in appropriate language, the independent and defiant position of Georgia.

Florida, with the least means of defence, and more exposed than any one of the Confederate States, will doubtless, if need be, to the end of time, waive in bold defiance the flag of the State in the face of the enemy, relying upon the wisdom, justice and courage which should inspire freemen to resist usurpation and tyranny against all odds; with a firm reliance that "In God is our Trust," and faithful to the trust in the exercise of all means in their power, Floridians will, at all hazards vindicate their rights, and cherish too sacred a regard for the intelligence, virtue and patriotism of their mothers, wives and daughters, and for the dignity and honor of the State, ever to consent, under any circumstances, to live under a government which has tolerated the abuse of defenceless women and unprotected children, by armed men, claiming to be soldiers; or to be associated with a people whose prime object seems to be social and political equality with negroes, and who, in wicked disregard of the lawsof civilization, have dishonored and disgraced by murder, rapine and robbery, the flag of the chivalric and distinguished sires of the American Revolution.

I have the honor to be, respectfully,

Your fellow citizen,

JOHN MILTON.

DOCUMENTS

ACCOMPANYING THE GOVERNOR'S MESSAGE.

COMPTROLLER'S REPORT.

TREASURY DEPARTMENT, COMPTROLLER'S OFFICE,
Tallahassee, November 1, 1862.

To His Excellency JOHN MILTON,
Governor of Florida:

SIR:—In obedience to the requirements of law I herewith submit my official Report upon the finances of the State for the year ending on the 31st day of October, 1862.

The receipts at the Treasury amount to		$1,068,397.58
To wit:—From License Tax,	$ 730.62	
" Fines,	1,197.57	
" Auction Tax,	1,879.26	
" Revenue 1848,	7.33	
1851,	43.41	
1853,	106.36	
1855,	4.57	
1859,	1.32	
1860,	6,815.12	
1861,	66,497.20	
1862,	3,792.66	
From Charter License, Gulf State Insurance Co.,	100.00	
" Gov. Milton, proceeds of Bonds deposited by ex-Gov. Perry, with J. Cohen & Son, Charleston,	20,354.39	
" Clothing State Troops, (amount refunded,)	1,451.00	
" State Treasury Notes,	445,767.00	
" Public Lands,	1,414.68	
" Military Purposes,	25,942.98	
" Confederate States Loan,	162,420.00	
" Contingent Fund,	436.00	
" Treasury War Tax Notes,	233,000.00	
" Amount refunded by Gov. Milton on account of War Tax,	96,436.11	—$1,068,397.58

The Warrants issued amount to			$ 958,260.76
To wit:—*Executive Department*—			
On account of Salaries,	$ 6,107.49		
Judicial Department—			
On account of Salaries,		25,454.72	
" " Contingent Expenses Supreme Court,	473.63		
" " Supreme Court Reports,	759.30		
" " Printing and Distributing Supreme Court Reports,	1,334.40—	2,567.33	
" " Criminal Prosecutions,		9,334.18	
" " Jurors and Witnesses,		15,372.81	
" " Contingent Expenses, State,		9,190.11	
" " Post Mortem Examinations,		111.60	
" " Maintenance Lunatics,		3,675.49	
" " Repairs of Capitol,		57.27	
" " Public Lands,		4,440.54	
" " Contractors surveying Public Lands,		241.77	
" " Equipment volunteers under Ordinance No. 46,		63,838.86	
" " Relief of Gen'l W. E. Anderson,		22.28	
" " Relief of A. Gibson & S. Holliday,		527.50	
" " Compensation of B. F. Whitner, surveying Ga. and Fla. line,		1,532.82	
" " Payment of Volunteers and other Troops,		67,034.97	
" " Fines Refunded,		568.24	
" " State Scrip of '59 for Indian hostilities, '49,		4,015.06	
" " State Scrip of '57 for Interest on Scrip of '53, for int.		4,914.81	
" " Expenses Convention, 1861,		484.80	
" " " " 1862,		7,470.35	
" " Military Purposes,		346,605.88	
" " Expenses General Assembly,		20,312.92	
" " Relief of J. A. Vaughan, Sheriff,		54.35	
" " Pensions,		100.00	
" " Interest State Debt,		34,003.38	
" " Expenses Executive Council,		175.60	
" " Treasury Notes,		1,222.00	
" " War Tax,		322,313.32	
" " Relief of Joseph F. Prevatt,		69.91	
" " Clothing for State Troops,		6,031.50	
" " Election Returns,		408.90—	$ 958,260.76

School and Seminary Funds.—The following are the receipts:

On account of School Fund,	$7,390.89
" " of Seminary Fund,	1,280.40

" " of Interest School Fund,	7,104.43
" " of " Seminary Fund,	1,008.75
The following are the Warrants drawn upon School Fund for Register's Salary,	$ 700.00
Upon Seminary Fund for Register's Salary,	700.00
" Int. School Fund for distribution by Superintendent,	5,316.62
" " " " " for pay of Teachers, being balances due sundry Counties under act of January 1, 1853,	262.12
" " Seminary Fund, East Florida Seminary,	368.28
" " " " West " "	368.28

I received from my predecessor, Mr. Williams, the following Bonds belonging to School Fund :

44 State of Florida, $1000, 7 per cent.,	$44,000,00
10 " of " 500, 8 per cent.,	5,000.00
Part of one of " 7 per cent.,	860.00
" of one of " 7 per cent.,	506.06
9 Florida Railroad, 1000, 7 per cent.,	9,000.00
1 Putnam county, 3000, 8 per cent.,	3,000.00
	$62,366.06

Seminary Fund—

6 State of Florida, $1000, 7 per cent.,	$6,000.00
2 " of " 500, 8 per cent.,	1,000.00
1 Florida Railroad, 1000, 7 per cent.,	1,000.00
Part of 2 7 per cent. Fla. State,	633.94
	$8.633.94

Under Resolution No. 4, approved December 1st, 1860, the Comptroller and Treasurer turned over to Gov. Perry, (to be used in purchasing arms for the State.)

On account School Fund, in North Carolina, South Carolina and Georgia State Bonds and Cash,	$101,500.00
On account of Seminary Fund in North Carolina, South Carolina and Georgia State Bonds,	$60.992.45

There has been no appropriation either to refund or pay to the School and Seminary Funds the interest upon these sums, and the Seminaries and Schools supported from the interest of these funds have consequently had to suffer. This is an important subject to which I would suggest that your Excellency invite the attention of the General Assembly.

Revenue.

—o—

The following statement shows the amount of revenue reported to this office and placed to the credit of the State of Florida during the year,

To wit:—Revenue, 1860,	$ 262.68
" 1861,	36,433.19
" 1862,	51,382.14
Licenses,	1,151.11
Fines,	1,061.95
Auction Tax,	1,943.44
Charter License, Gulf State Insurance Co.,	100.00
Total,	$92,334.51

Our Constitution requires that "The General Assembly shall devise and adopt a system of revenue, having regard to an equal and uniform mode of taxation to be general throughout the State." Under this provision the ad valorem system has been adopted, which, with the specific tax on slaves hereinafter suggested, would, with necessary rules and regulations for its equal and uniform enforcement, fully meet the design of the Constitution. Unfortunately the laws regulating the practical working of the ad valorem system have proved abortive and work in direct violation to the Constitution. Under their provisions each tax-payer is required to appraise his own property, and consequently the appraisements, instead of being "equal and uniform," fall just as far short of it as the conscientious honesty, patriotism and liberality of one individual falls short of that of another. The conscientious honest citizen who lives to do good to his neighbors, defend and support the laws of his country, places a liberal value upon his property and pays cheerfully the taxes upon it, whilst his neighbor, a law-breaker and pest to society, appraises his property at less than half its value, and pays the taxes on it only when he has exhausted the last expedient to avoid that duty. The practical working of these laws is not only discordant with the spirit of the Constitution but is also demoralizing in its influence—offering a premium to those whose consciences are sufficiently elastic to make under oath false appraisements and returns of their property. Many instances to establish the above statements can be found in the Tax Books on file in this office by any person who is familiar with the estates owned in his county. To meet these defects and inconsistences in the laws governing the practical enforcement of the ad valorem system, it would be necessary to appoint a Board of Appraisers to make domiciliary visits to all the tax-payers in the

State to inspect and appraise uniformly and equally all the taxable property in the State. The extensive area and sparse settlement of our State, would render this too expensive if not impracticable. It is impossible to devise a system under which we are not more or less dependent upon the tax-payer for a faithful return of his taxable property, and we must be content therefore with the selection of that system under which we are least dependent and which also relieves the tax-payer as far as possible from the responsibility of appraising his own property. An exclusively specific system would relieve the tax-payers entirely of the responsibility of appraising their property, but in other respects would be much more objectionable and impracticable than the ad valorem system. I know of but one species of property upon which a specific tax might be laid which would be "uniform and equal," that is slave property which comprises the very largest interest in the State, and which has always been appraised with more irregularity and inequality than any other.

A specific tax upon slaves alone would very greatly improve the revenue system of our State. I would, therefore, respectfully suggest that your Excellency recommend such an amendment to our tax system as would require a specific tax upon slaves, divided into six or more classes, according to their ages, each class to be taxed respectively at such rate as would be equal to the ad valorem rate on an average of that class. To illustrate: suppose the first class be those of four years and under, and $300 be reckoned the average value, then the present ad valorem rate of 1-6th of 1 per centum would be 50 cents. The 2d class, those from 4 to 10 years of age, and $400 be their average value, then upon that sum 1-6th of 1 per centum would be 66⅔ cents. The 3d class from 10 to 30, and $1,200 the average, then the tax would be $2 per head, and so on. I would also suggest the following recommendations:

1st. That such amendment to the 1st section of the Act entitled "An Act to amend an Act entitled an Act to establish the ad valorem system of Taxation," be made as would require the person making return of taxable property to make such return in writing over his written affidavit, to the effect that such return embraces all of his taxable property in the county, and that it is appraised at its full value. Also, that he be required in such return to designate his lands by their proper numbers, and that the Assessor be required to file these returns in the office of the President of the Board of County Commissioners, to be examined by them and approved or rejected as they may be found properly or improperly rendered before he makes up his Tax Books from them.

2d. That the County Commissioners be furnished with town-

ship maps showing the public lands which are not subject to taxation in their respective counties, and that they be required in the examination of the returns filed by the Tax Assessor, to check down all of the lands designated in said returns upon said maps, and if any land subject to taxation appear not to have been returned, they require it to be examined and appraised by the Assessor, and a double tax and liberal per diem and expenses of Assessor be laid upon them to be collected by sale of the same, unless the owner comes forward in time to pay. That the Assessors' per diem and expenses be paid out of the County Treasury, and that the per diem and expenses collected be paid into the County Treasury.

By the laws now in force the offices of Tax Assessor and Tax Collector are consolidated, and the duties of assessing and collecting required to be done by the same officer. The Tax Assessor and Collector is required to make the assessments and submit them in triplicate lists or books to the Board of County Commissioners who are required to examine them and see that the assessments are according to law, and that each book is a perfect copy of the other two, and certify the same on each of said copies. One of these books is to be retained in the office of the President of the Board of County Commissioners, another to be kept by the Tax Assessor and Collector, and the third to be forwarded by him to the Comptroller as the evidence of his, the said Tax Assessor and Collector's indebtedness to the State. In many instances Tax Assessors have failed to forward their assessment books to this office, thereby depriving the State of any information as to the amount of revenue due by their respective counties, whilst they either neglect to collect it, or having collected it appropriate it to their own use. I would respectfully suggest as the remedy for this, that an honest and discreet man be appointed as Assessor in each county, and the Sheriff be required to collect the taxes. By this course the office of Sheriff would be made more responsible and respectable, and would pay a better salary, and at the same time that of Assessor, (the duties of which in the largest counties would not require more than two months' labor) could be made to pay liberally for the time employed, without increasing materially the expenses of assessing and collecting.

The defectiveness of the law requiring Solicitors to prosecute defaulting revenue officers, in neither requiring him to enter into bond for the faithful performance of his duties nor allowing the Comptroller to open an account and charge him up with the certified accounts placed in his hands, has been the cause of more delay and negligence on the part of revenue officers to collect and settle up promptly than all the other defects in the whole

system together. There is no penalty whatever if they fail to attend to this duty, and they have chosen to neglect it until some of the Tax Collectors have become as negligent as they. There are now accounts standing open on the books of this office which were placed by my predecessors in the hands of the Solicitors, to the amount of $74,577.85—some of them as long as ten years ago.

The negligence of Soclicitors in the prosecution of defaulters is an old complaint of this office for which my predecessor, Hon. T. W. Brevard, in his report to Gov. Broome, of 1856, offered the following remedy, to wit: "I respectfully suggest to your Excellency the recommendation of an act requiring Solicitors to enter into bond for a faithful discharge of duties, with a sufficient penalty annexed, partlcularly in view of the fact that in certain contingences large sums of the State's revenue come into their hands." I would respectfully suggest in addition to the above, that the Comptroller be required to open accounts with the Solicitors and charge them with all certified accounts placed in their hands for collection and credit them up as the cases are disposed of, and the Clerks report them to this office, or as they, the Solicitors pay in the money, and that the Comptroller be required, in case a Solicitor fails to make his report as required by law, of all the State cases at the Spring and Fall terms, to withhold a portion of his salary.

Some of the Tax Assessors of the Counties on the Georgia line have called upon me for instructions in reference to assessing the property of citizens who reside upon the tertitory lying between the lines known as the McNeil and the Whitner and Orr lines. The adjustment of the boundary question between the two States not being fully consumated, it was thought best to advise the Tax Assessors not to enforce the assessment until the matter should have been brought to the attention of the General Assembly. As there are many citizens on this disputed territory owning a large amount of property, it is a matter of much importance to the State's revenue, (saying nothing of her other important interests) that this boundary line question be adjusted as soon as possible.

War Tax Treasury Notes.

—o—

Received of Secretary of State the following blank Treasury Notes,

To wit:—10,025 Fives, amounting to		$ 50,125
4,620 Tens,	" "	46,200
2,615 Twenties,	" "	52,300
2,440 Fifties,	" "	122,000
1,220 Hundreds,	" "	122,000
Total,		$392,625

Of which I have signed and turned over to the Treasurer, $233,000, numbered and registered as follows:

To wit:—7,000 Fives, letter "A," numbered from	1 to 7,000		$ 35,000
4,600 Tens, " "E," "	" 1 to 4,600		46,000
2,600 Twenties, letter "F," "	" 1 to 2,600		52,000
2,000 Fifties, " "G," "	" 1 to 2,000		100,000
			$233,000

Leaving the following balances,

To wit:—1,220 Hundreds,	$122,000
440 Fifties,	22,000
15 Twenties,	300
20 Tens,	200
3,025 Fives,	15,125
Total,	$159,625

Settlements with Accounting Officers.

—o—

A. Denham, Commissioner, in account with the State of Florida,

Dr.

To amount sundry awards for Military Purposes issued under Ordinance of Convention and taken up by Warrants on the Treasury,	$300,375.89
To balance,	1.68
	$300,377.57

Cr.

By amount sundry vouchers returned to this office,	$300,377.57

J. W. Eppes, P. M. Gen'l, in account with the State of Florida,

Dr.

To amount sundry Warrants on Treasury,	$55,499.85
" " from Jason Gregory by order of Gov. Milton,	755.00
" " refunded by Lieut. Col. James,	4.80
" " to balance,	79.03
	$56,338.68

Cr.

By amount sundry vouchers returned to this office,	$55,876.26
" " Treasurer's receipt No. 44	454.42
" " " " " 61	8.00
	$56,338.68

H. V. Snell, Q. M. Gen'l, in account with the State of Florida,

Dr.

To amount sundry Warrants,	$79,191.60
" " from Treasurer without Warrant,	27,500.00
" " acknowledged to have been received by him, and of which there is no evidence in this office,	$107,933.55
	$214,625.15

Cr.

By amount sundry vouchers returned to this office,	$224,193.84
Showing a balance in his favor of	$9,568.69

There are many of the debits in this account which are not shown by any evidence furnished this office, as large sums were paid over to Col. Snell directly by Ex-Gov. Perry, who has not yet settled his accounts with the State, and in consequence of which, I am greatly embarrassed in closing this account.

MAINTENANCE OF LUNATICS.

The Legislature appropriated at its last Session, only $2,000 for the maintenance of Lunatics. This appropriation was entirely too small. There was at the time it was made, over $3000 for board and clothing of Lunatics past due and Lunatics in the Asylums of Georgia and South Carolina for each of which the State had agreed to pay per year $250 board and actual expenses for clothing, semi-annually in advance, besides several who were placed by the Courts in the custody and keeping of our own citzens, who had to be paid. The appropriations for this purpose having been short for the last several years, the Asylums of Georgia and South Carolina had been compelled to wait for the sums due them until they could wait no longer. The appropriation for this year was not sufficient to pay what should have been paid last year, and after being exhausted left a large balance still due, besides the sums which agreeably to the terms upon which the poor unfortunate of our State were placed in those Institutions, were to be advanced during the current year. Had not your Excellency come to my releif by causing sufficient advances to be made from the Contingent Fund to pay the outstanding accounts, those Institutions would have been justified in turning our poor unfortunates loose upon our State to prey upon whom they would and to wander off and perish.

The State had already failed to comply with her agreement, "to pay semi-annually in advance," and then made no appropriation to pay what was long past due. By assuming the responsibility of causing the balances due on said accounts to be paid from the Contingent Fund, your Excellency not only relieved me of the embarrassing duty of asking those Institutions to wait for another appropriation when they had already been put off in the same manner from year to year, for portions of the sums due them, but you have saved the State from a most disgraceful act of inhumanity, that of placing her indigent Lunatic children in the Asylums of other States, and leaving them to be supported at the expense of those States, or sent back and turned at large to perish for want of attention or prey upon her other citizens.

We now have six patients in the "Georgia State Lunatic Asylum" and two in the "Lunatic Asylum of South Carolina," for the board of whom there is now due $1,500, besides clothing, which will probably amount to $500 more, making $2,000, which, together with $2,391.31 advanced from the Contingent Fund, makes $4,391.31, for the payment of which I would respectfully suggest that your Excellency recommend an immediate appropriation. This would bring up all arrearages, and then a regular annual appropriation of $3000 would be required to meet the State's contracts with the Lunatic Asylums.

COMPTROLLER'S WARRANTS.

The existing laws do not require the Treasurer to report to this office what warrants have been paid and therefore it cannot be shown what amount are outstanding unpaid and the years and heads under which they were drawn. To obviate this difficulty I would suggest that your Excellency recommend such amendments as will require the Comptroller on the first Monday in each month to take up and cancel all the warrants paid by the Treasurer during the previous month and substitute therefor his receipted abstract describing said warrants. Also requiring the Comptroller to keep such an account of the warrants issued and those paid that he may readily show at any time the amount, dates and heads of any outstanding unpaid warrants.

SALARY.

The salary of this office in ordinary times is not commensurate with its onerous and responsible duties. The business transactions passing through this office in all their complicated forms seldom fall short of $100,000, and this year they exceed $1,000,000, and the salary of the office is only $1,100 with an allowance of $500 for clerks salary.

No banking or mercantile establishment doing business to that extent would think of paying less than twice this sum for clerks alone, the proprietors themselves directing the business. But were the salary deemed sufficient for ordinary times when clothing and provisions are abundant, and the usual moderate amount of money in the country, now that the country is flooded with currency, and all the articles of living are scarce and hard to be obtained for three and often ten times their ordinary value, justice demands that it should be proportionately increased.

I am sir, yours very respectfully,

WALTER GWYNN,
Comptroller.

TREASURER'S REPORT.

—o—

TREASURY DEPARTMENT, TREASURY OFFICE,
Tallahassee, Nov. 4, 1862.

His Excellency JOHN MILTON,
Governor of Florida:

SIR: In compliance with the laws, I herewith submit the financial reports from this Office for the General Assembly for the period of November 1, 1861, to October 31, 1862, also those embracing the transactions for the School and the Seminary Funds.

The advance of funds made by the Confederate Government and for which the State Bonds of 1861 have been deposited, at present stands thus:

Amount received by Gov. Perry (not into the Treasury,)	$50,000 00
Am't rec'd through Gov. Milton,	50,000 00
" " " " " by Judge Baker ag't	162,420 00
	$262,420 00
Am't of Messrs. Baldwin & Williams' bill of clothing for soldiers, paid by Judge Baker in Richmond, (voucher delivered Governor Milton,)	35,080 00
	$297,500 00
Am't of Bonds sent to Richmond,	$300,000 00
Amount returned to Treasury, (being informal,)	2,500 00—$297,500 00

Previous to the repeal of the Ordinance there was also issued four thousand one hundred and twenty five dollars of these bonds to parties holding Indian War Claims of 1849, making the total issue three hundred and one thousand six hundred and twenty-five dollars.

There has been paid during the fiscal year to the several Banks twenty-six thousand four hundred and eighty-three 47-100 dollars interest and part on principal, remaining to be provided for in 60 and 90 days, to the

Bank of Charleston,	$54,660 90
People's Bank,	77,683 67
Bank of Newberry,	52,000 00
Merchants & Planters Bank,	20,697 33
State Bank of Florida,	10,000 00
	$215,041 90

The first four named Banks hold under hypothecation $293,000 of State Bonds of 1856, and the State Bank has $19,500 Virginia 6 per cent. bonds.

The issue of State Bonds under the Act of 1856, (ch. 785, No. 11,) was five hundred thousand dollars, the disposition of which is thus explained:

Paid to the following "Funds" for debts due them by the State, by Gov. Broome:

To the School and Seminary Funds, see Comp't Brevard's report to the Assembly of Nov. 9, 1858,		$59,000 00
To the Internal Improvement Fund, see Treasurer's report upon that Fund to the General Assembly of Nov. 1, 1858,		34,000 00
Amount sold by Gov. Broome proceeds paid into the Treasury, see report of Treasurer on the State finances, same date,		50,000 00
Original hypothecation by Gov. Perry:		
To Bank of Charleston,	$143,000 00	
To People's Bank,	92,000 00	
*To South Western R. R. Bank,	72,000 00	
To Merchants & Planters Bank,	39,000 00	—346,000 00
Delivered to the Treasurer by Comp't Brevard on the order of Gov. Perry for increasing the security with the Banks, $5,000 of which proved sufficient, and for which the Bank of Charleston receipted, the remaining $5,000 sold to the School Fund, (under ch. 870, Act 12, 1859,) since the date of the following financial report,		10,000 00
Reported by Comp't Brevard as in the receipt of transfer to his successor,		1,000 00
		$500,000 00

The total amount to the Bank of Charleston making one hundred and forty-eight thousand dollars, of which they report that fifty-eight thousand dollars were sold by order of Gov. Perry and the proceeds applied to the debt to the Bank.

By a requisition of the Governor under ordinance 46 in favor of Joseph Finegan, Esq., the sum of $5,166.65 was paid for money loaned by him to Gov. Perry, for military purposes, and for which $10,000 6 per cent. North Carolina Bonds were hypothecated; these bonds are a part of those furnished from the School and Seminary Fund under Resolution No. 4 of 1860, and wait authority for their return to either of these accounts or other application.

It will be observed that the issue of War Tax Treasury Notes amount to $233,000, of this the sum of $7,625 is reserved, the

law circumscribing the issue to the object of the Tax, it also appears that the amount of Warrrants paid under this law is $322,313.32, which is thus explained:

War Tax paid to the Confederate Government as reported from the Executive Office,	$225,374	10	
Received from Gov. Milton (in Confederate States Treasurer's acceptance) to credit of the account,	96,436	11	
Paid Ex-Gov. Perry for his draft on Charleston, embraced in Governor's requisition for Warrant 727, (draft deposited in the Treasury by Gov. Milton,)	500	00	
An exchange item,	3	11	$322,313 32

The appropriation for the Maintenance of Lunatics proving insufficient the sum of $2,391.31 has been paid from the Contingent Fund for that object, by the consent of the Governor, with also the sum of about $4,000 for contingent military purposes, from same Fund.

Since the date of the following report the sum of $2,138 14 has been paid in by Gov. Milton as the amount (principal and interst) expended for a boat for military purposes.

Very respectfully,

C. H. AUSTIN, State Treasurer.

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*Subsequently this debt was transferred to the People's Bank.

The Treasurer in account with the State of Florida:

1862.	DR.	
Nov. 1,	To balance Report Nov. 1, 1861,	I1.87
	" amount received on account of Revenue, viz: 1848,	7.33
	" " " " " of " 1851,	43.41
	" " " " " of " 1853,	106.39
	" " " " " of " 1855,	4.57
	" " " " " of " 1859,	1.32
	" " " " " of " 1860,	6,815.12
	" " " " " of " 1861,	66,497.20
	" " " " " of " 1862,	3,793.66
	" " " " " of Fines,	1,197.57
	" " " " " of Licenses,	730.62
	" " " " " of Auction Tax,	1,879.26
	" " " from issue of State Treasury Notes, chapter 1097, act 4, '61,	481,050.00
	" amount received from issue of War Tax Treasury Notes, chapter 1279, act 22, '61,	233,000.00
	" amount received from draft received from Gov. John Milton,	21,419.50

	To amount received from J. Cohen & Son upon order of M. S. Perry, favor of Jno. Milton, Gov., &c.,	20,354.39
Nov. 25	" amount received from Charter granted,	100.00
	" " " from Gov. Milton in exchange for Bonds of 1861, with Confederate Government,	50,000.00
1862.		
Jan.	" amount received from Bonds 1861, sold parties holding Ind. War., '49 claims,	4,125.00
Feb. 19.	" amount received from Gov. Milton in exchange for Bonds of 1861, with Con. Gov't,	162,420.00
	" amount received on account of Contingent Fund,	436.00
	" " Treasury Certificates issued,	9,363.10
	" " on account of payment of Troops,	454.42
	" " " " Military purposes,	11,764.99
	" " " " Public Lands,	20,648.10
	" " " " Clothing for troops,	1,451.00
	" received from Gov. Milton an accceptance of Confederate States Treasurer,	96,436.11
		$1,194,110.90

1862. CR.

Nov. 1,	By disbursements upon Warrants and Convention Ordnances, viz:		
For	Contingent Fund,		13,057.83
"	Election returns,		247.70
"	Jurors and State Witnesses,		16,847.69
"	Criminal Prosecutions and Contingent Expenses of Circuit Courts,		16,819.54
"	General Conventions,		14,277.71
"	Judicial Department,		35,864.98
"	Executive do,		7,802.77
"	Military do,		75.00
"	Supreme Court—Reporter 1861, 1862,	$ 500.00	
	Printing,	1,550.00	
	Clerks, Sheriffs and Contingencies,	1,711.69—	3,761.69
"	Special Acts,		3,443.28
"	Equipment of Forces,		126,078.60
"	Land Surveys,		2,464.82
"	Treasury Certificates,		9,640.10
"	Post Mortem Examinations,		499.10
"	Maintenance of Lunatics,		2,020.00
"	11th General Assembly,		20,612.92
"	10th do do,		5,711.03
"	Payment of Troops,		67,035.06
"	Military Purposes,		324,165.47
"	Repairs of Capitol,		160.21
"	Account of Public Lands,		7,150.00
"	State Scrip for Indian Hostilities of 1849,		8,899.53
"	Taxes Refunded,		54.35
"	Pensions,		100.00
"	Executive Council,		175.60
"	State Interest including a payment upon principal,		34,125.85
"	Expenses of Treasury Notes,		1,222.00

For State Boundary Line,		1,532.82
" Clothing for State Troops,		6,031.50
" War Tax Warrants,		322,313.32
" balance, viz:		
Confederate Treasurer's Draft,	$96,436.11	
Redeemed Treasury Notes filed, Ord. 49,	13,622.00	
Treasury Notes on hand,	21,870.00	
Other Funds " "	2,367.32	
Reserved War Notes on hand,	7,625.00—	141,920.43
		$1,194,110.90

NOTE.—Contingent Fund and Supreme Court Account embrace balances of 1861 Appropriations.

Statement of State Treasury Notes, Chapter 1097, *Act No.* 4, *Sec.* 10, *of* 1861.

Amount of Issue Report, Nov. 1, 1861,	18,950.00
Amount of Issue Report, Nov. 1, 1862,	481,050.00
	$500,000.00
Circulation,	478,130.00
In State Treasury,	21,870.00
	$500,006.00

The Treasurer in Account with the School Fund:

1861. DR.

Nov. 1.—To balance per report of Nov. 1, 1861,		$371 86
Dec. 2.— " amount received from H. A. Corley, Register,		743 11
1862.		
Jan. 7.— " " " " " " " "		715 19
Feb. 5.— " " " " " " " "		473 73
M'ch 5.— " " " " " " " "		415 20
Ap'l 1.— " " " " " " " "		1,738 54
May 6.— " " " " " " " "		439 05
28.— " " " " City of Tallahassee on loan,		646 82
July 7.— " " " " H. A. Corley, Register,		726 86
Oct. 14.— " " " " " " " "		1,492 39
" " " on interest account,		7,104 43
		$14,867 18

1861. CR.

Nov. 18.—By paid Warrants 1830 for H. S. Seward,		$53 00
1862.		
Jan. 4.— " " " 32 for H. A. Corley, Register,		175 00
25.— " " " 1488 for D. M'Leod,		485 70
Apl. 5.— " " " 491 " H. A. Corley, Register,		175 00
July 18.— " " " 855 " " " " "		175 00
Oct. 18.— " " " 985 " " " " "		175 00
" amount paid Warrant on interest account,		5,683 15
" balance cash on hand,		7,945 33
		$14,867 18

1862.

Nov. 1.—To balance cash,		$7,945 33
Assets:		
Bond of city of Tallahassee,	$3,300 00	
Balance Bond of Gadsden county,	2,071 37	
Land Notes,	194 22—	5,565 59
		$13,510 02

NOTE.—In printing the report of this Fund in 1861, paid warrant 1728 for $175, is omitted.

The Treasurer in Account with the Seminary Fund:

1861.		DR.	
Dec.	2.—	To amount received from H. A. Corley, Register,	58 44
1862.			
Jan.	7.—	" " " " " " " "	60 00
Feb.	5.—	" " " " " " " "	370 90
March	3.—	" " " " " " " "	30 00
May	6.—	" " " " " " " "	61 65
July	7.—	" " " " " " " "	129 41
Oct.	14.—	" " " " " " " "	498 00
		" " interest received,	1,008 75
			$2,217 15

1862.		CR.	
		By balance report Nov. 1, 1861,	$147 94
Jan.	4.—	" paid warrants 31 for H. A. Corley Register,	175 00
April	5.—	" " " 492 " " " " "	175 00
July	18.—	" " " 856 " " " " "	175 00
Oct.	18.—	" " " 986 " " " " "	175 00
		" " " 1,602 " J. L. Demilly for West Florida Seminary,	745 00
		By paid Warrant 96 for J. L. Demilly for West Florida Seminary,	368 28
		By balance cash,	255 93
			$2,217 15

1862.				
Nov.	1.—	To balance cash,		$255 93
		Assets: Bond of Duval county,	$1,000 00	
		Land notes,	666 57—	1,666 57
				$1,922 50

A Summary of the Receipts and Disbursements at the Treasury from the first day of November, 1861, *to the* 31*st of October*, 1862.

RECEIPTS.

For account of the State of Florida,	$1,194,110 90
" " " School Fund,	14,867 18
" " " Seminary Fund,	2,217 75
	$1,211,195 23

DISBURSEMENTS.

For account of State of Florida,		$1,052,190 47
" " " School Fund,		6,921 85
" " " Seminary Fund,		1,961 22
		$1,061,073 54
Balances—State,	$141,920 43	
School,	7,945, 33	
Seminary,	255, 93—	150,121 69
		$1,211,195 23

REGISTER'S REPORT.

—o—

REGISTER'S OFFICE,
Tallahassee, Nov. 1, 1862.

To His Excellency JOHN MILTON,
Governor of Florida:

SIR: As Register of Public Lands and *ex officio* Superintendent of Schools and Seminaries, I have the honor to submit to your Excellency the following as the biennial report of this Office:

SEMINARIES AND SEMINARY FUND.

From October 31st, 1860, to November 1st, 1862, there have been sold of lands belonging to the Seminary Fund, nine hundred and twenty-one 81-100 acres, at an average price of a little over $1.69 per acre, for which was received in cash $863.49 and in bonds $758.85. If the previous statements in the Register's reports be correct in reference to the quantity of lands sold and amounts paid therefor, the whole number of acres belonging to this fund sold since the establishment of this office is 33,573 40-100, producing in cash and bonds $86,557.92.

Annexed you will find a statement of my account of receipts and disbursements during the period embraced in this Report.

At this time it is impracticable to form any opinion from the transactions of the two past years relative to the prospects and usefulness of the two Seminaries. In common with business of every kind which has not arisen from the present necessities of the country, the Seminaries have been embarrassed by the war. I have received no reports of the doings of the respective Boards of Education, their receipts and expenditures, but I know that the amounts received from tuition have been less than in previous years.

Under the "Resolution authorizing the Governor to purchase arms, &c.," approved December 1, 1860, all the stocks held for the School and Seminary Funds, other than those of the State, were turned over to the Governor. No provision was made for substituting any bond of the State for the amounts so withdrawn from the Funds, and in consequence the Funds could not receive their stated amounts of interest for distribution. I suggest the propriety of ascertaining the exact amount of such indebtedness of the State, and making such arrangements as will

enable the interest of the Funds to be paid annually or semi-annually.

The fact that the Seminary lands sold during the past two years have produced in cash and bonds only $1,622.34, and that the expenses of managing the Fund during that period exceed $1,200, would seem to call for some legislation whereby means may be provided either for an increase of the Fund or a reduction of the expenses, or both.

SCHOOLS AND SCHOOL FUND.

From October 31st, 1860, to November 1st, 1862, there have been sold of lands belonging to the School Fund 4,479 76-100 acres, (all of which except 245 10-100 acres, was sold at $1-25 per acre,) yielding in cash $2,628 91-100, and in bonds, $3,-410 02-100. The whole number of acres belonging to this Fund sold since November 23, 1850, appears to be 66,188 83-100, yielding in cash and bonds $105,719 94-100.

My account for receipts and disbursements is hereto annexed.

In 1861 there was no apportionment of interest of the School Fund among the several counties, for the reason that said Fund had been placed in the hands of the Governor for the purchase of arms, and the interest upon the same was therefore not collected. In 1862 the amount of interest received and apportioned was $5,316 61-100.

The number of children in the State according to the last reports received from the County Superintendents is 22,441, making the amount apportioned for each child, a little less than 23 7-10 cents. The law requiring annual reports to be made by the County Superintendents has almost become a dead letter upon the statute book; but few of the Superintendents reporting any thing, except the number of children in the county between the ages of five and eighteen years. This year only seven of the Superintendents made any report at all.

PUBLIC LANDS.

Since the passage of "An Ordinance relative to the Public Lands of this State," there had been sold on the first of October last, at the Land Offices for the Western, Middle, Suwannee and Southern Circuits, 112,140 59-100 acres of the lands derived from the United States by secession, for which was paid $29,-700 82.

The following is a statement of the sales in the several Circuits aboved named.

At Tallahassee.

41 33-100	acres	at	$2 50	per	acre	yielding,	$106 03
1,354 09-100	"	"	1 25	"	"	"	1,692 60
273 47-100	"	"	1 01	"	"	"	281 25
4,481 89-100	"	"	1 00	"	"	"	4,481 89
394 25-100	"	"	76 cts	"	"	"	299 63
2,553 77-100	"	"	75 "	"	"	"	1,915 32
39 90-100	"	"	25 "	"	"	"	9 98
1,435 14-100	"	"	12 ½	"	"	"	179 38
25,425 93-100	"	"	10	"	"	"	2,542 44
Total, 36,004 77-100 acres,							$11,508 52

At Ucheeanna in the Western Circuit.

320 35-100	acres	at	$1 00	per	acre,	yielding	$320 35
2,757 44-100	"	"	75 cts	"	"	"	2,067 32
22,871 51-100	"	"	10 cts	"	"	"	2,286 53
Total, 25,949 30-100 acres						"	$4,674 20

At Archer, in the Suwannee Circuit:

3,557 08-100	acres	at	$1 00	per	acre,	yieldiug,	$3,557 08
120	"	"	75 cts.	"	"	"	90 00
23,353 69-100	"	"	20 "	"	"	"	4,670 91
16,376 47-100	"	"	10 "	"	"	"	1,637 44
Total 43,407 24-100 acres, yielding,							$9,955 43

At Tampa, in the Southern Circuit:

3,182 19-100	acres	at	75 cts.	per	acre,	yielding,	$2,386 55
1,522 49.100	"	"	50 "	"	"	"	761 21
2,074 60-100	"	"	20 "	"	"	"	414 91
Total 6,779 28-100 acres, yielding,							$3,562 6

ADDITIONAL DOCUMENTS ACCOMPANYING

THE

GOVERNOR'S MESSAGE.

——o——

Adjutant and Inspector General's Report as Special Agent to Richmond.

——o——

TALLAHASSEE, Oct. 27th, 1862.

His Excellency JOHN MILTON,

Governor of Florida:

SIR: With the appointment of Agent and Attorney for the State of Florida, as conferred by you, and under your direction, I proceeded to the city of Richmond in the month of September, 1862, for the purpose of presenting the claim of the State of Florida against the Confederate Government for reimbursement of moneys expended by this State on account of the existing war between the Confederate States and the United States.

I called upon the Secretary of the Treasury, and in the interview with him, I learned that it would be impossible for the Confederate Government to meet this claim before the establishment of peace. I made an effort to arrange with the Secretary for the auditing of a sufficient amount of this claim to redeem the bonds of the State of Florida, hypothecated with the Confederate Government as a pledge for moneys heretofore advanced by the Confederate Government to the State of Florida; but in the absence of an appropriation by Congress, this effort was fruitless. Upon consultation with the Florida Delegates in Congress, I became satisfied that any effort to procure an appropriation by Congress would fail, and consequently I returned to Tallahassee, bringing with me all the papers, which I have returned to the Comptroller and Quarter-Master-General. For amount of said claims, see abstract.

Very respectfully,

Your ob't serv't,

HUGH ARCHER,

Agent and Attorney of Florida.

numbers and names of indigent families of absent volunteers in each of said counties, and the estimated amount necessary to render them adequate aid during each year, to apportion the amount of the special tax collected under the authority of this act, or so much thereof as may be necessary, among all the counties of this State, according to the list of the names of indigent families of absent volunteers, and the estimate, showing the amount required by each, prepared and certified to his office by the Court aforesaid, and the amount of such fund coming to each county, shall be paid over to the Judge of Probate of such county, and laid out and expended under the direction and control of the Court of County Commissioners of such county, and the Court shall cause to be kept an account showing, in detail, for whose account the money was expended, for what particular article, and the price paid for each article, and of whom purchased, and shall return to the Comptroller of Public Accounts, showing the disbursement of said fund.

SEC. 5. *And be it further enacted*, That, in collecting the special tax imposed by this act, it shall and may be lawful for the Comptroller to authorize the Court of County Commissioners of any county in this State to cause any part of the same, not exceeding the amount shown by the estimate, returned to his office as necessary to be expended in such county, to receive in payment provisions or material for clothing, such as may be needed by such indigent families in such county; *Provided*, the same be offered by tax-payers at a fair market price, and provided such Court may authorize orders to be given on tax-payers in favor of such indigent families, and the payment of such orders shall be a valid payment on account of the taxes due from the party paying the same.

SEC. 6. *And be it further enacted*, That the precinct agents, provided for in the second section of this Act, shall make their investigation into the condition of indigent families of absent volunteers, and report the result of such investigation to the Judge of Probate of each county, from time to time, as volunteers may engage in the public service from such county, and report the same as in this Act provided, and the Courts of County Commissioners shall record the names and make the estimate as herein provided, and return the same to the Comptroller, who shall include such estimate in the apportionment of funds herein provided.

SEC. 7. *Be it further enacted*, That those who have been engaged in service and regularly discharged on account of wounds or sickness, and are unable, in consequence of such wounds or sickness, to support their families, and the widows and orphans

of volunteers as may have fallen in battle, shall have all the benefits of this Act.

SEC. 8. *Be it further enacted*, That the Probate Judges of the several counties, and their securities in office, shall be liable on their official bond for any misappropriation of the funds entrusted to them under this act.

SEC. 9. *Be it further enacted*, That one hundred and fifty copies of this Act be printed and sent by mail forthwith to the Probate Judge of each county.

SEC. 10. *And be it further enacted*, That all volunteers from this State in the army of the Confederate States, or in the actual military service of this State, shall be exempt from the payment of any poll tax so long as they remain in actual service as such volunteers.

SEC. 11. *Be it further enacted*, That the Commissioners Courts of the several counties of this State shall have the right, if they think proper, to apply any surplus monies now or hereafter in the County Treasuries, to the benefit and relief of the indigent families of volunteers; and should the Commissioners Courts make such disbursements of such funds, a copy of such order shall be a sufficient guarantee to the County Treasurer for disbursing such fund as the said Courts may order.

Approved, November 11, 1861.

Correspondence between E. W. Johns, Medical Purveyor, and the Governor.

—o—

(COPY.)

CONFEDERATE STATES OF AMERICA,
PURVEYOR'S OFFICE, RICHMOND, VA., Oct. 3d, 1862.

SIR—I have the honor to represent that a large amount of Alcoholic stimulants are indispensable in the treatment of the sick and wounded of the army, and that the duty of providing said stimulants is devolved upon this department. Of the required amount, according to an estimate made in this office, a considerable portion has been contracted for, but there still remains a large quantity to be provided.

I, therefore, respectfully request that authority be granted this department to contract for the manufacture and delivery of as much whiskey and alcohol as may be required for the armies of the Confederate States for medical and hospital purposes, and that the parties contracting for the delivery of said whiskey and

alcohol to this department, for the purposes aforesaid, be exempted from the operation of any statute or order prohibiting the distillation of grain in the State of Florida.

I have the honor to be,

Very respectfully, your obedient servant,

E. W. JOHNS, P. M. G.

To his Excellency, JOHN MILTON, Governor of Florida, Tallahassee.

(COPY.)

EXECUTIVE DEPARTMENT,
Tallahassee, Oct. 20th, 1862.

E. W. JOHNS, ESQ.,

Purveyor General, Richmond, Va.

SIR—Yours of the 3d inst. has been received, in which you request that authority may be granted your department to contract for the manufacture and delivery of as much whiskey and alcohol as may be required for the army of the Confederate States for medical and hospital purposes, &c.

The authority is granted upon the condition, that the parties to be contracted with shall be restrained in the contracts from distilling, selling and delivering for other purposes, and to parties not authorized by the Confederate government to contract for the distilling, purchase or delivery of whiskey, alcohol or other spiritous liquors.

I have the honor to be, respectfully,

JOHN MILTON,
Governor of Florida.

(COPY.)

CONFEDERATE STATES OF AMERICA,
MEDICAL PURVEYOR'S OFFICE, Richmond, Nov. 5, 1862.

SIR—I have the honor to present my acknowledgments to the Governor of Florida for permitting the distillation of alcohol and whiskey, and I perfectly accord with the conditions required.

Very respectfully, your obedient servant,

E. W. JOHNS, M. P.

To his Excellency, JOHN MILTON, Governor of Florida.

Proceedings of the Executive Council.

—o—

EXECUTIVE DEPARTMENT,
Tallahassee, February 28, 1862.

This day 12 o'clock, M., Messrs. Papy, Wiggins and Smith Simkins, Esqrs., presented themselves to his Excellency, the Governor, as the Executive Council appointed by the late Convention.

Governor Milton, in reply said to the gentlemen, that in his opinion the late "Convention" had no right as a political body claiming to represent the people to have assembled, and no right after the Constitution had been adopted and promulgated, and the officers of the State, civil and military, had been sworn to support it, to amend it.

The Constitution could only be amended in the manner therein provided, and the power to legislate belonged exclusively to the General Assembly of the State, agreeably to the Constitution. The Convention had no right to legislate, that there was no intelligent member of the Convention who was not informed previously to their assembling of his opinions upon the subject as made known to the General Assembly, that he had frankly avowed these opinions to the first committee which had visited the Executive Department, in presence of Col. A. A. Fisher and Dr. E. Barnard, who were then present and are now present, that he as Governor, however, did not arrogate to himself to decide upon the powers of the Convention.

The question of its powers was one for the Judicial Department of the Government; that the exigencies of the times demanded harmony, and that he would cheerfully co-operate with them so far as he could do so consistently with the Constitution and Laws of the State, which as Governor he had sworn to preserve, protect and defend, and that he entertained the hope that they could counsel together and act harmoniously and accomplish some benefit for the State, without infringing the obligations imposed by the Constitution, while at the same time he did not admit any power claimed by them derived from the Convention; therefore, having made known frankly the opinions which he entertained, and agreeably to which he should act, if agreeable to them, he would endeavor to act in harmony with them, and was ready to afford them every facility to render their efforts useful to the State.

To avoid the expenses, gentlemen, of your continuous attention to the duties with which you conceive yourselves to be invested,

I will add, that whenever as Governor of the State, I consider your attendance necessary at the Capitol, I will advise you of the time and occasion.

The Council was then called to order, and adjourned to meet at "7 o'clock," to-night.

Attest: E. BARNARD,
Private Secretary to His Excellency.

Friday, 28th February.—Messrs. Papy, Wiggins and Simpkins met His Excellency at the hour appointed, and after discussing the state of affairs, adjourned at half past 9 o'clock, to meet in the morning at 9 o'clock.

Attest: E. BARNARD,
Private Secretary to His Excellency.

Saturday, March 1st.—Council met at the hour of 9 o'clock. Present, His Excellency, Messrs. Papy, Wiggins and Simpkins.

After being called to order, motion was made for the approval of the appointment of Wm. H. Milton, as Adjutant and Inspector General. The vote being put for the affirmative, Messrs. Papy, Wiggins and Simpkins voted "yea."

Motion was then made to appoint a Commissioner under Ordinances of the Convention, to audit claims arising under military operations. Mr. Andrew Denham was appointed Commissioner under the Ordinance aforesaid, by the vote of Messrs. Papy, Wiggins and Simpkins.

The Secretary is instructed to inform Mr. Denham of his appointment, that he may enter on his duties to-day; which was done by the Secretary, and the following letter delivered in person, and Mr. Denham's reply:

EXECUTIVE DEPARTMENT,
Tallahassee, March 1st, 1862.

ANDREW DENHAM, Esqr., Tallahassee:

DEAR SIR: I am instructed to inform you that the Executive Council have appointed you as Commissioner under the Ordinance of the Convention to audit claims against the State, arising under military operations. You will please notify me at once of your acceptance, and if you accept the Ordinance requires that you shall be at the Capitol this day to enter upon the discharge of your duties.

Yours respectfully,
E. BARNARD,
Private Secretary to His Excellency, JOHN MILTON, Governor of Florida.

TALLAHASSEE, March 1st, 1862.

E. BARNARD, Esqr., Secretary:

DEAR SIR: I am in receipt of your letter of this date, announcing my appointment as Commissioner to audit claims against the State arising under military operations. I now beg to notify you of my acceptance of said office of Commissioner.

Respectfully yours,

A. DENHAM.

At 12 o'clock, M., Mr. Denham appeared. Present, His Excellency the Governor, Messrs. Papy and Wiggins.

The following communication was received from the Adjutant and Inspector General:

To the Governor and Gentlemen of the Executive Council:

I would respectfully state, that there are many public arms now in the hands of private individuals, and that when called upon by officers authorized from this Department refuse to give them. I would ask that your body would pass a regulation to the effect, that, when arms of the State are in the hands of private individuals, not members of an organized Company, they shall give them up upon an application to the officer authorized to receive them, and if they refuse to give them up, the officer take them summarily, unless the party having the arms will go before a proper officer and make affidavit that they are his own property, and he gave full consideration for them.

Yours, very respectfully,

W. H. MILTON,

Adjutant and Inspector General.

The following was adopted.

Whereas, Wm. H. Milton, Adjutant and Inspector General has informed the Council that there are many public arms in the hands of private individuals, and that when called upon by officers authorized by his Department refuse to give them up, for remedy whereof:

Be it resolved, That it shall be the duty of the Adjutant and Inspector General, by the direction of the Governor, to require all arms of the State in the hands of private individuals, not members of an organized Company, to be delivered up upon his application to such officer as the Governor shall direct, and if the person having such arms as aforesaid refuses to deliver them up, the Governor may direct such officer as he shall designate to take such arms summarily, unless the party having such arms in his possession shall go before some Justice of the Peace or other Judicial officer and make affidavit that the arms in his possession

are his own private property, they never having been the property of the State.

The meeting being called to order, adjourned to meet on Monday, March 3rd, at half-past 9, A. M.

Montay, March 3.—The Council met as per adjournment half-past 9 o'clock.

Present: His Excellency the Governor, Messrs. Papy, Wiggins and Smith Simpkins, Esqrs.

The meeting being called to order, the following resolutions were passed.

First, The Governor is hereby authorized to continue the State Troops at Apalachicola in service until the General in command in Florida shall station the Confederate Troops at that point, which he proposes to do in sufficient numbers for its defence. Adopted.

Second, *Resolved*, That the orders of the Governor for raising of Volunteers and drafting men in fulfilling the requisition made upon the State for Troops by the Confederate Government be, and is hereby ratified and approved.

Third, *Resolved*, That the appointment by the Governor of Nicholas B. Sadler as a drill officer, with the rank of second Lieutanant, and said Saddler haviyg been ordered to report himself for duty in the Confederate service to Gen. Trapier, the commission is hereby ratified and approved. Adopted.

Fourth. Whereas, our advice is asked by the Governor as to an order directing the Quartermaster General, after supplying Col. Davis' Regiment with their clothing, to deliver if there should be a surplus, to Capt. Caroway Smith's Company in Confederate service, clothing sufficient for his Company, each man paying for their suits delivered him according to the accustomed rule. Whereupon it was—

Resolved, That we do advocate the said order of the Governor.

The Counci tthen adjourned to meet at half past three o'clock, P. M.

The Council met as per adjournment, and after discussing several matters in regard to State, adjourned to meet at 8 o'clock, P. M.

Eight O'clock, P. M. Council met—Present: His Excellency the Governor, Messrs. Papy, Wiggins and Smith Simpkins, Esqrs.

Resolved, That the Governor be authorized to employ in service such Coast Guards as the exigencies of the public service may demand until they can be turned over into Confederate service, or other service be substituted by the Confederate Government therefor.

"The Governor submitted his plan of paying the Confederate

'War Tax" by arranging with the Confederate Government to hold to its credit a sufficient amount of the Treasury Notes authorized to meet the Tax;" "which was approved."

Resolved, That the Governor be authorized to cause to be taken for the use of the State the telegraph wire, posts and appurtenances from Callahan to Fernandina, and from Baldwin to Cedar Keys, subject to the owners' right to receive compensation for the same, to be placed on the line authorized to be constructed to connect Tallahassee with Baldwin. Adopted.

Resolved, That the Governor be authorized to have taken up such portions of the Railroad iron on the Florida Railroad when the troops shall have been removed from Fernandina as the public safety demands, and remove the same to a place of safety. Adopted.

Resolved, That the Governor be and he is hereby authorized to purchase the powder belonging to private individuals represented by A. Canova, and such ammunition as may be necessary for the defence of the State. Adopted.

Resolved, That the Governor be requested to correspond with his Excellency Jefferson Davis, the Secretary of War and Gen. Lee, and with the officers of Col. Davis' Regiment, as to the necessity of the Regiment being converted into an Infantry Regiment and remain in the State for its defence. Adopted.

Messrs. Papy, Wiggins and Simpkins voted yea.

Resolved, That the Governor be authorized to have made five hundred (500) of the Pierson knives. Adopted.

Yeas—Messrs. Papy, Wiggins and Simpkins.

Resolved, That the Adjutant and Inspector General have the following orders issued immediately respecting the draft about to be held, and showing the exempts, and generally to regulate the same. Adopted.

Yeas—Messrs. Papy, Wiggins and Simpkins.

To Officers Commanding Militia.

HEAD QUARTERS,
ADJUTANT & INSP'R GENL'S OFFICE,
Tallahassee, March 3d, 1862.

GENERAL ORDER—No. 8.

It is ordered that every Major General, Colonel, Major and Captain of the Militia in this State, see that in the sphere of their commands the following exemptions be made according to a resolution adopted by the Executive Council of this date, to-wit:—

Resolved, That the Governor be authorized to exempt such

persons from the draft ordered, in the event of a failure of volunteers, as are mentioned or referred to as follows, viz:

1. All clergymen regularly ordained.

2. The State House officers, including heads of military departments, and the secretaries and clerks employed in said offices.

3. All Judges of the Supreme and Circuit Courts of this State.

4. All Custom House Officers and their Clerks. All Post officers and stage drivers who are actually employed in the care and conveyance of the mails of the Confederate States. All ferrymen employed at any ferry on a post road at which the mails regularly cross. All inspectors of exports. All pilots. All mariners actually employed in the sea service of any citizen or merchant of the Confededate States.

5. All Telegraph Operators actually employed as such in a Telegraph office.

6. The Presidents of Railroad Companies, Superintendent, Treasurer, Chief Engineer, Master of Transportation, Master-Machinist, Master Mechanic, Clerks in the Principal office, Depot Agents, Trans-shipping Agents, Conductors, Engine drivers, are exempt, and such other mechanic or employee whose services the President or Superintendent will claim in the manner hereinafter directed.

7. The Superintendent of each Express Company in regular operation in this State, which is used for the rapid transportation of military supplies by the State, or Confederate Government, and each agent of said Company actually necessary to the transaction of the business of the Company.

8. The Superintendent of each shop in this State used at the time by the State or Confederacy for the manufacture or repair of guns, sabres, bayonets, side knives, or pikes, with three of the best workmen in each shop thus employed, to be selected by the Superintendent.

9. All persons employed in the State Armory and Arsenal.

10. Such number of persons as are actually necessary to work each powder mill in the State usually engaged in making powder.

11. The Superintendent and four of the most experienced and necessary men in actual employmont in any cotton or wool factory in this State, which is manufacturing cloth by machinery.

12. Before the persons connected with Railroads, Express Companies, Iron Foundries, Rolling Mills, Factories, Powder Mills, Gunsmiths' Shops, in the employment of Government, &c., shall be exempt, it will be required that the Superintendent or head of the company, or establishment or institution, as the case may be, make affidavit giving the names of the persons whom he claims as exempt, with the reasons why he claims the exemption, which number shall in no case exceed the number herein mentioned, and

the affidavit must state that the whole number which he claims are actually necessary to the successful management of the company, institution or work of which he has charge. This affidavit must be filed with the commanding officer of the county of the residence of the person claimed as exempt, by the 8th day of March, and before such officer commences the draft, should a draft be necessary.

By order of the Commander-in-Chief.

W. H. MILTON,
Adjutant and Inspector General.

Resolved, That the Comptroller is hereby authorized to issue his warrant on the Treasury in favor of James A. Wiggins, for seventy-four 60-100 dollars, for his per diem and mileage as a member of the Executive Council, and in favor of Smith Simpkins, Esq., for twenty-six dollars for his per diem and mileage, and in favor of M. D. Papy, for twenty dollars for his per diem as members of the Executive Council. Adopted.

Half-past 11 o'clock, P. M. The Council being called to order—present, the Governor, J. A. Wiggins, S. Simpkins and M. D. Papy. Motion made to adjourn; which being acted upon, resolution passed unanimously to adjourn to meet on the first Monday in May, unless sooner called together by the Governor.

Tallahassee, March 3d, 1862.

Attest:—E. BARNARD,
Private Secretary to his Excellency JOHN MILTON.

At a meeting Thursday evening, April 3d, 1862—present, his Excellency the Governor, Messrs. Papy and Simpkins.

The following resolution was passed:

Resolved, In view of the threatened condition of the State, and the Council is advised by the Governor that Gen. Lee authorized him to call into service the whole population of the State; that the Governor be, and he is hereby authorized to accept any troops tendered from Georgia, to be retained in the State service for four months, unless sooner discharged, if the Confederate authorities refuse to accept them in Confederate service. Adopted.

Yeas—Messrs. Papy and Simpkins.

Attest:—E. BARNARD,
Private Secretary to his Excellency, JOHN MILTON, Governor.

TALLAHASSEE, April 14th, 1862.

The Council met at 9 o'clock, A. M. Present: the Governor, M. D. Papy and Smith Simpkins, Esqrs.

Being called to order, the following resolutions were passed:

Resolved, That the Comptroller be and he is hereby authorized to draw his warrant on the Treasury in favor of N. B. Sadler for

the sum of one hundred and seventy two 60-100 dollaas, for services rendered for the benefit of the State, by order of General Trapier. Adopted.

Messrs. Papy and Simpkins voted yea.

Resolved, That no cotton shall be permitted to be shipped from this State without special leave of the Governor, and the Governor is authorized to take any measures necessary to prevent any efforts which may be made to ship cotton contrary to this resolution. Adopted.

Yeas—Messrs. Papy and Simpkins.

Resolved, That the authority granted by the Governor to Col. John C. Pelot, to raise three hundred men for service, be and is hereby approved, with the condition that said John C. Pelot and the officers and men raised by him shall at all times be subject to the orders of the Governor or such officer as the Governor shall direct him to report himself to. Adopted.

Yeas—Messrs. Papy and Simpkins.

WHEREAS, It has been represented to the Executive Council that the condition of affairs in East Florida is such as to justify the declaration of *Martial Law*; AND WHEREAS, the Council have not been informed whether certain portions of the Eastern section of the State *should* or *not* be exempted from the operation thereof;

Therefore, *resolved*, That from and after the Proclamation of the Governor to that effect, *Martial Law* is hereby declared over such portions of East Florida, east of the Suwannee river, as shall be specified in such proclamation, to exist until otherwise provided. Adopted.

Yeas—Messrs. Papy and Simpkins.

Resolved, That, under the present emergencies, the Governor be requested to speedily organize the regiment in Middle Florida, by ordering the election of Field Officers, though there be but nine companies present, and that he attach the tenth company as soon as organized. And that he also order an election for battalion officers at Camp Lee. And when the companies to constitute a full regiment shall be mustered in, that he order an election for regimental officers. Adopted.

Yeas—Messrs. Papy and Simpkins.

REORGANIZATION OF THE MILITIA, April 4th, 1862.

1st. *Resolved*, That all persons in this State between the ages of (16) sixteen and (60) sixty years, capable of bearing arms, are hereby declared subject to military duty, and shall be attached to the company of Militia in the Beats in which they respectively reside.

2nd. *Resolved*, That commanders of regiments or battalions

and companies in each of the counties of this State are required immediately to enrol all men subject to military duty, and it shall be the duty of the commanders of regiments or battalions to reorganize the militia within their respective regiments or battalions, and form full companies by consolidating from two or more Beats so as to form companies of not less than (78) seventy-eight men, nor more than (100) one hundred men. When the companies are thus formed the commander of regiments or battalions will immediately order an election for company officers, which shall take place before the companies are dismissed, and the election certified to the Adjutant General of the State, and thereafter all commissions of company officers now existing shall be suspended, and the persons holding the same, not re-elected in the reorganization aforesaid, shall be returned to the ranks. Full returns of the enrolment of the militia under these regulations by companies, shall be made with dispatch to the Adjutant General.

3d. *Resolved*, That the militia as thus organized shall be required by the commanders of companies to assemble and drill at least once a week, and the commanders of Regiments or battalions shall cause their regiments or battalions to assemble and drill at least once in two months, until otherwise directed. Each man shall take with him the best fire arm he owns or can procure from a neighbor not able to bear arms, and a report shall be made to the Adjutant General each week by the commanders of companies of the number of men attached to his company and of the number and kinds of arms brought to drill by the men of his company. The commanders of regiments or battalions may order a muster of the company officers for drill as often as they may deem expedient.

4th. *Resolved*, *further*, That the only exemption allowed under these regulations are the members of the Executive Council, the Treasurer, the Comptroller, the Register of State Lands, the Commissioner to audit claims against the State appointed by the Council, the Judges of the Supreme Court and Circuit Courts, and such persons as may be unable from sickness or physical defects and debility, to bear arms, and such as are exempted by virtue of any law of Congress or regulation of the Confederate Government, and all Railroad Engineers, Firemen and Conductors.

5th. *Resolved*, *further*, That all persons claiming to be exempt on account of inability from sickness or physical defects or debility to bear arms, shall be required to produce to the commanders of companies to which they are attached, or to which they properly belong, a certificate from the surgeon of the regiment or battalion, stating that the person producing the same is

unable to perform military duty from any of the causes which entitles him to exemption.

6th. *Resolved further*, That whenever a call is made for troops for active service, for either the State or Confederate service, the men liable to be detached or called for such service shall only be from those between the ages of (18) eighteen and fifty (50) years, and all others liable to military duty as aforesaid, shall be formed into detachments of militia for home defence under the command of such company officer or officers as may be assigned for that purpose, by the commander of the regiment or battalion, care being taken so to apportion the call between the different companies as will equalize as near as may be the number to be taken from each.

7th. *Resolved further*, That the Governor and the Council, or the Governor if the Council shall not be in session, may in cases of necessity arising upon invasion or an anticipated attack, order such portion of the militia as is deemed necessary, into the field to report to such officer and at such point or points as the public safety may require, and may retire them when the public safety may justify it. Each man shall, when ordered out, take with him such fire-arms as he may have or can procure from a neighbor not capable of bearing arms, and those having no arms will be supplied by the State.

8th. *Resolved further*, That if the men when ordered into the field, shall prefer, they may supply their own provisions, in which case, the State will allow and pay forty (40) cents per day as a commutation therefor.

9th. *Resolved further*, That any person liable to military duty by these regulations, who shall fail to appear when required by the commanders of regiments, battalions or companies, either for the purpose of the re-organization, provided for herein, or for drill, shall be liable to be fined, if a commissioned officer, below the grade of commander of a regiment or battalion, in the sum of twenty-five (25) dollars, and if a non-commissioned officer or private, in the sum of five (5) dollars, to be imposed by a Court Martial, in the case of a commissioned officer, by the commander of a regiment or battalion, and in the case of a non-commissioned officer or private, by the commander of companies.

10th. *Resolved further*, That commanders of regiments or battalions who shall fail or refuse to comply with the foregoing regulations, shall be fined, if a commander of a regiment or battalion in the sum of one hundred (100) dollars, and if a commander of a company in the sum of fifty (50) dollars to be imposed by a Court Martial, to be ordered in the case of commander of a regiment or battalion, by the Governor, and in case of a commander

of a company by the commander of the regiment or battalion to which he belongs.

11th. *Resolved*, That the Sheriff's and Tax Assessor's and Collector's in the several counties shall furnish, if required by the commanders of Regiments or Battalions and Companies, the names of such persons in their respective counties subject to military duty, who shall fail to appear to be enrolled as required by these regulations, and shall otherwise assist in such enrolment when required by the commanders of Regiments or Battalions.

12th. *Resolved further*, That executions issued by Courts Martial for fines imposed under these regulations shall be collected in the same manner as now authorized in similar cases by the laws of this State.

Resolved further, That whenever Volunteers are called for, either for State or Confederate service by the State, any person who shall have signed any agreement or roll agreeing to join or form into a Company for the purpose of entering the State or Confederate service shall be bound thereby in the same manner as when mustered into service.

Adopted. Messrs. Papy and Simpkins, voted yea.

The Council then adjourned to meet on the first Monday in May, subject to be called together at any time by the Governor.

Attest: E. BARNARD,
Private Secretary to his Excellency, JOHN MILTON, Governor,

Tallahassee, April 11th, 1862.

April 11th. *Council* met, present the Governor, Messrs. Simpkins and Papy:

Resolved, That the Comptroller is authorized to audit and allow the pay of such officers and men who had been stationed at Apalachicola, as were continued in service after the 10th day of March last by resolution of the Council during the continuance in such service, and that he require the accounts and pay rolls to be duplicated and receipted in a form corresponding as near as may be to the Confederate regulations. Adopted.

Messrs. Papy and Wiggins, voted yea.

Whereas, As the enemy have evacuated the town of Jacksonville, and there is therefore no seeming necessity for Companies in Guerilla service in East Elorida, and in order to strengthen the Militia in its organization,

Therefore, *Resolved*, That the Governor is requested to revoke all orders for Guerilla service in East Florida. Adopted by vote of Messrs. Papy and Simpkins, Esqrs.

Amendment to the second resolution in regard to the enrolment of the Militia, passed April 4th, 1862. In the returns made of the enrolment of the Militia under the resolutions for

that purpose heretofore adopted by the Council, the officers making the enrolment shall classify the men attached to the several Companies by stating the number between sixteen (16) and eighteen (18) years of age, the number between eighteen (18) and fifty (50) years, and the number between fifty (50) and sixty (60) years. Adopted, yea, Messrs. Papy and Simpkins.

Amendment to the fourth resolution of April 4th:

Exempts respecting re-organization of Militia. And all persons engaged in the manufacture of salt for the public use or for generel sale to the people of the State, are also exempted from militia duty. The resolutions heretofore adopted by the Council. Adopted.

Messrs Papy and Simpkins voted yea.

Saturday, April 26. Council met in the morning at 10 o'clock. Present, his Excellency, the Governor, Messrs. M. D. Papy and W. D. Barnes, Esqrs.

The Council being called to order, the following resolutions passed:

Resolved, That the resolutions on the 4th day of April last., for the organization of the militia of the State, be and the same are hereby repealed. Adopted.

Yeas—Messrs. Papy and Barnes.

Resolved, That the preamble and resolutions adopted on the 4th day of April inst., extending martial law over so much of East Florida, as shall be specified in the Governor's Proclamation to that effect, be, and the same is hereby repealed.

Yea—Mr. Papy.

Nay—Mr. Barnes.

The Governor declared the resolution lost.

Messrs. Barnes and Papy desired the Governor to vote. He declined to do so, stating that he had no reason to change the opinions he had frequently expressed, and in all previous meetings acted upon, that he as Governor of the State, the Constitution forbid his assuming the right of legislating, and that the Convention could not rightfully confer the power in violation of the Constitution. The Council then adjourned to meet on Monday, 28th, at 11 o'clock, A. M.

Monday 28th. Council met as per adjournment. Present, His Excellency the Governor, Messrs. Papy, Simpkins and W. D. Barnes. The Council being called to order, the following preamble and resolutions were passed:

WHEREAS, Most serions injury has been done to the public interests by the demoralizing influences of spirituous liquors sold or given to those in military services:

Be it therefore resolved, That any person or persons who shall sell or give spirituous liquor or liquors to any one in the military

service of the Confererate Government or of the State, shall be considered inimical to the best interest of the State and of the Confederate States of America.

Be it further resolved, That officers in command of military posts be requested to seize or have seized any ardent spirits which may be offered for sale or given to any soldier or soldiers within ten miles of their posts, and destroy the same, and arrest and punish the person or persons offending.

Be it further resolved, That if any person or persons shall sell or give any spirituous liquors to any one in the military service of the Confederate States of America, or in the military service of the State, the officer in command of the military forces is requested to seize and destroy the spirituous liquors, and to arrest and punish the person or persons offending.

Mr. Papy offered the following as a substitute.

WHEREAS, Most serious injury has been done to the public service by the use of ardent spirits among those in the military service of this State and of the Confederate States. AND WHEREAS, numerous applications have been made to the Executive by officers and other citizens of the State to adopt some measure for the suppression of this vice:

Therefore, be it resolved, That officers in command of military posts or troops on the march, are requested to adopt such means as may be necessary to meet the evil complained of, even if it shall be requisite to seize and destroy all liquors offered for sale or given to the soldiers.

The vote on adopting the substitute was as follows:

Yea—Mr. Papy.

Nays—Messrs. Barnes and Simpkins,

The resolution was declared not adopted.

The question then recurred on the adoption of the preamble and resolution offered by Mr. Barnes, and was as follows:

Yeas—Messrs. Barnes and Simpkins.

Nay—Mr. Papy.

The preamble and resolutions were declared adopted.

The Council then adjourned to 8 o'clock, P. M.

MONDAY, 8 O'CLOCK, P. M. Council met—present, his Excelency the Governor, Messrs. Papy, Simpkins and Barnes.

Being called to order, the following resolution was passed unanimously:

Be it resolved, That the Comptroller of Public Accounts be instructed to audit the account of Lieut. M. C. Peterson for the sum of one hundred and twelve 40-100 dollars, amount expended by him in the arrest of one P. J. Coulter, (charged with disloyalty to the Government,) and transporting said Coulter from Homa-

sassa to Lake City and to Tallahassee, by order of Brig. Gen. R. F. Floyd.

The Council then adjourned to meet in the morning.

Tuesday, April 29th. Council met as per adjournment. Present, his Excellency the Governor, Messrs. Papy, Simpkins and W. D. Barnes, Esqs.

Being called to order the following resolutions were passed:

Whereas, The Distillation of ardent spirits is carried on to a considerable extent in this State, which tends to destroy the substance of the people, to lessen our means of subsisting troops, to demoralize the community and debauch our soldiers:

And whereas, much complaint has been made by the military authorities and by the citizens of the State to the Executive, appealing to him to adopt some adequate measure for the suppression of this evil:

Therefore, be it resolved, That we advise the Governor to give notice at once to any person or persons, or his, or her, or their agent or agents, who are now or who may be before the next meeting of the General Assembly engaged in the distillation of ardent spirits, to close their distilleries and discontinue their operations within *twenty days* after the first proclamation of the Governor to that effect.

Resolved further, That should any distiller or distillers, or his or her agent or agents fail or refuse to obey the Proclamation of the Governor, and continue to distil ardent spirits in the State after the expiration of the twenty days hereinbefore provided, then we do advise the Governor to have said distillery or distilleries suppressed in such manner as he shall deem best. Adopted.

Yeas.—Messrs. Papy, Simpkins and Barnes.

Council then adjourned.

Council met again in the evening and the following resolution was passed:

Be it Resolved, That the Governor authorize the raising of one company of State troops to operate as a police force on or near the coast between the Apalachicola river and St. Andrews' Bay in the counties of Calhoun, Washington and Franklin, that said Company be composed of not more than eighty (80) nor less than for (40) men rank and file, and that a squad of said Company, not to exceed twenty-five in number—as the Captain of said Company may deem best—shall be mounted, and shall receive the pay and rations of men in the cavalry service.

Be it further resolved, That said Company be organized in conformity with the military laws of this State, and the commissioned officers thereof shall receive the pay of commissioned officers in the infantry service.

Be it further resolved, That the Captain of said Company b

required to make report of all his operations to the Adjutant General of this State every two weeks.

Be it further resolved, That the said Company shall be kept in said service for the period of twelve (12) months from the day of their organization, unless sooner disbanded by the authorities of this State. Adopted unanimously.

THURSDAY, May 1st, 1862.—Council met this morning.

Present—His Excellency the Governor, Messrs. M. D. Papy and James A. Wiggins, Esq.

Moved and carried, that all subjects of business be postponed to a future meeting of the Council.

Resolved, That the Comptroller is hereby authorized to issue his warrant on the Treasury in favor of James A. Wiggins, Esq., for fifty-five dollars for his mileage as a member of the Executive Council.

Adopted.

Council then adjourned until the first Monday in July next, subject to be called by the Governor at any intermediate time.

TALLAHASSEE, Wednesday 15th May 1862.

The following communication was received, directed to His Excellency the Govrnor and members of the Executive Council.

TALLAHASSEE, May 14th, 1862.

His Excellency the Governor and Members of the Executive Council :

GENTS. I hereby resign as a member of the Executive Council. I do this with the less reluctance as there are many citizens of the State out of whom the Governor and Council may select a member to fill my place better qualified for the discharge of the duties vested by ordinance organizing the Council.

I am respectfully,

(Signed,) M. D. PAPY.

A true copy of the minutes of the Executive Council.

Attest: E. BARNARD,

Private Secretary to His Excellency, JOHN MILTON, Governor of Florida.

Analysis of Ordinances of the Convention.

—o—

By Ordinance No. 63 of the Convention of the People of Florida, the following Ordinances are declared to be "of a permanent character and not repealable by ordinary legislation," viz :

Ordinance No. 1. Ordinance of Secession.

Ordinance No. 4. An Ordinance to remove disabilities arising under the fifth section of the 6th Article of the Constitution.

Ordinance No. 5. An Ordinance annulling the 3rd and 8th sections of the 6th Article of the Constitution.

Ordinance No. 6. An Ordinance defining the time when the Governor shall be inaugurated.

Ordinance No. 10. An Ordinance extending the jurisdiction of the State over Forts, Arsenals, Docks and Yards within its limits.

Ordinance No. 14. An Ordinance amending the 11th section of the 6th Article of the Constitution.

Ordinance No. 15. An Ordinance amending the 7th Article of the Constitution of this State, entitled "Militia."

Ordinance No. 16. An Ordinance amending the 2nd section of the 3rd Article of the Constitution.

Ordinance No. 23. An Ordinance defining the legal disability under the 5th section, and annulling the 10th section of the 6th Article of the Constitution.

Ordinance No. 24. An Ordinance repealing an act of the General Assembly entitled "an act to prevent the collection of debts in certain cases from debtors in this State."

Ordinance No. 25. An Ordinance ratifying and confirming the Constitution for the Provisional Government of the Confederate States of America.

Ordinance No. 26. An Ordinance to amend the 14th Article of the Constitution.

Ordinance No. 27. An Ordinance conferring upon the General Assembly power to create Special Tribunals for the trial of offences committed by slaves, free negroes and mulattoes, and establishing such a tribunal till otherwise provided for.

Ordinance No. 28. An Ordinance entitled Ordinance of Ratification.

Ordinance No. 31. An Ordinance respecting an oath of office and prescribing the form thereof.

Ordinance No. 32. An Ordinance repealing part of Ordinance No. 2, and limiting part thereof, and repealing Ordinances Nos. 7, 8, 9, 11, 17, 18 and 19, and resolutions Nos. 6 and 11.

Ordinance No. 33. Sections 1, 9, 34, 35 and 36 of an Ordinance entitled an Ordinance relative to the Public Lands of this State.

Ordinance No. 36. An Ordinance for the relief of Railroad Companies and the Collectors of Customs.

Ordinance No. 37. An Ordinance approving qualified surrender of the Forts, &c., at Pensacola, ceding Forts, Light Houses, &c., to the Confederate States, and authorizing the Legislature to dispose of the Arsenal at Chattahoochee and the Barracks at St. Augustine.

Ordinance No. 39. An Ordinance providing for the punishment of persons obeying the laws of, or holding office under the United

States; persons departing from the State to acquire residence elsewhere, and of persons striving to stir up rebellion, &c.

Ordinance No. 40. An Ordinance amending the additional section to the 5th Article of the Constitution, relating to special Tribunals for trial of slaves, &c.

Ordinance No. 49. An Ordinance for redeeming the Treasury Notes of the State of Florida.

Ordinance No. 50. An Ordinance amending the 13th Article of the Constitution.

Ordinance No. 51. An Ordinance amending the 6th Article of the Constitution.

Ordinance No. 54. An Ordinance striking the names of William Pinckney and Winer Bethel from the roll.

Ordinance No. 55. An Ordinance authorizing the Register of Public Lands to receive Florida Treasury Notes in payment for Seminary and School Lands.

Ordinance No. 57. An Ordinance respecting the Rights of Sovereignty, eminent domain, &c.

Ordinance No. 60. An Ordinance repealing an act of the General Assembly providing for "the payment of the Florida Volunteers, &c.," and suspending the payment of Warrants issued under said act.

Ordinance No. 61. An Ordinance repealing Ordinances Nos. 30, 38 and 46, vacating all offices created under said Ordinances, and respecting the departments of Quarter Master General and Adjutant General.

Ordinance No. 63. The report of the committee of the whole as adopted in open Convention, January 27th, 1862.

Also the following resolutions were declared to be "of a permanent character and not repealable by ordinary legislation," viz:

Resolution No. 8. Establishing the enacting clause to all Ordinances.

Resolution No. 29. Suggesting amendments to the Constitution of the Confederate States of America.

Resolution No. 36. Directing Treasurer not to pay out money from the Treasury without a Warrant from the Comptroller.

All other resolutions passed prior to the session of the Convention held in January, 1862, are declared to be "temporary in their character, and will become obsolete by the fulfilment of their purposes;" and all other resolutions passed at the session of the Convention held in January, 1862, are declared to be "temporary, and will expire by the performance of their offices, or may be repealed when circumstances in the opinion of the General Assembly require it."

The following ordinances are declared to be "temporary, and have been or may be repealed when circumstances require it," viz:

Ordinance No. 2. An ordinance prohibiting the collection of

duties on imports, &c., and respecting the disposition of all moneys collected for duties.

Ordinance No. 3. An ordinance extending over the State of Florida the laws of the United States passed prior to the 1st day of January, 1861.

Ordinance No. 7. An ordinance continuing in office all persons holding office under the United States on the day 1st of Jan'y, 1861.

Ordinance No. 8. An ordinance authorizing the Governor to accept the services of officers of the army and navy of the United States.

Ordinance No. 9. An ordinance authorizing the General Assembly to abolish certain offices, dispense with existing mail routes, &c.

Ordinance No. 11. Ordinance empowering the General Assembly to declare who are citizens of this State, &c.

Ordinance No. 12. An ordinance authorizing the General Assembly to provide for the election, &c., of general officers.

Ordinance No. 13. An ordinance authorizing the Governor to appoint William H. Chase a Major General in the army of Florida.

Ordinance No. 17. An ordinance establishing an Admiralty Court at Key West.

Ordinance No. 18. An ordinance respecting mail routes, postmasters, &c., &c.

Ordinance No. 19. An ordinance giving to the Circuit Courts of the State all the powers and jurisdiction of the District Courts of the United States.

Ordinance No. 20. An ordinance abolishing the Surveyor General's and other offices at Pensacola and Palatka, and instructing Surveyor General to turn over papers and property appertaining to his office.

Ordinance No. 21. An Ordinance granting an amnesty to Calhoun and Franklin counties.

Ordinance No. 22. An Ordinance assenting to the holding of a Convention of States at Montgomery, Ala., &c.

Ordinance No. 29. An Ordinance providing for the division of the State into Congressional and Electoral Districts.

Ordinance No. 30. An Ordinance providing for the military defence of Apalachicola, St. Marks, Cedar Keys, &c.

Ordinance No. 34. An Ordinance to raise money for the immediate exigencies of the State, and for the payment of the public debt.

Ordinance No. 35. An Ordinance repealing part of Ordinance No. 22.

Ordinance No. 38. An Ordinance for military purposes.

Ordinance No. 41. An Ordinance supplemental to an Ordinance passed by this Convention April 26th, 1861, entitled "an Ordinance to raise money for the exigencies of the State and for the payment of the public debt.

Ordinance No. 42. An Ordinance requiring the Comptroller to audit and allow certain expenses incurred by Governor M. S. Perry.

Ordinance No. 43. An Ordinance continuing the terms of office of certain officers.

Ordinance No. 45. An Ordinance authorizing the Governor to have a Telegraph Line constructed to Baldwin.

Ordinance No. 46. An Ordinance authorizing the Governor to apply certain funds to equipping the forces of the State.

The following Ordinances, passed at the last session of the Convention, held in January, 1862, are declared to be "temporary, and will expire by the performance of their offices, or may be repealed when circumstances, in the opinion of the General Assembly, require it," viz:

Ordinance No. 47. An ordinance appropriating ten thousand dollars for subsistence of troops in State service.

Ordinance No. 48. An ordinance respecting the circulation of Transportation or Railroad Change Bills.

Ordinance No. 52. An ordinance for strengthening the Executive Department during the exigences of the present war.

Ordinance No. 53. An ordinance authorizing the holding of elections by the qualified voters of the State who may be absent in the military service, &c.

Ordinance No. 56. An ordinance repealing an act of the Genera Assembly entitled an act to provide for the necessary supplies for the army in the State of Florida, and to prevent monopolies, and for other purposes.

Ordinance No. 58. An ordinance providing for filling any vacancy in the Executive Council.

Ordinance No. 59. An ordinance authorizing the issue of Change Bills by the Corporation of the city of Tallahassee.

Ordinance No. 62. An ordinance providing for the appointment of a Commissioner to audit and adjust all claims against the State arising out of its military operations, and prescribing his duties, &c., &c.

Ordinance No. 44 has not been declared either permanent, temporary or repealable; and is not included in the last clause of Ordinance No. 63, having been passed at the third session of the Convention.

While sections 49, 34, 35 and 36 of Ordinance No. 33, have been declared to be permanent, no provision has been made for the remaining sections of that Ordinance, either as to their permanency, their temporary character, their expiring by the fulfilment of their offices, or their liability to repeal by the General Assembly. At the same time sections 19, 20, 21, 25, 27 and 28 are by plain implication kept in force by sections 2 and 4 of Ordinance No. 49.

There is a variance between the Report of the Committee of the Whole on the permanency or temporary character, &c., of the ordinances and resolutions of the Convention, as published on page 108 of the Journal of the Convention, and the Ordinance No. 63, as published among the ordinances passed at the session held in January, 1862, viz:

The Journal makes sections 19, 34, 35 and 36 of Ordinance No. 33 permanent.

Ordinance 63 makes sections 1 and 9, 34, 35 and 36 of Ordinance No. 33 permanent.

The Journal makes no mention whatever of Ordinance No. 30.

Ordinance No. 63 makes Ordinance No. 30 temporary.

The Journal makes no mention whatever of Ordinance No. 54.

Ordinance No. 63 makes Ordinance No. 54 permanent.

The Journal makes Ordinance No. 58 permanent.

Ordinance No. 63 makes no mention whatever of Ordinance No. 58.

The Journal makes no mention whatever of ordinances Nos. 60 and 61.

Ordinance No. 63 makes ordinances No. 60 and 61 permanent.

The Journal makes no mention whatever of resolution No. 36.

Ordinance No. 63 makes resolution No. 36 permanent.

The resolution ordering the disbandment of the State troops on or before the 10th day of March, 1862, (see Journal, page 103,) adopted January 27th, 1862, (see page 107,) is not published among the resolutions of the Convention printed in pamphlet form.

ORDERS AND CORRESPONDENCE RELATING TO THE SEIZURE OF SALT AT APALACHICOLA.

[COPY—TELEGRAPH.]

HEAD QUARTERS,
ADJUTANT AND INSPECTOR'S OFFICE,
Tallahassee, November 22d, 1862.

Special Orders No. 85.

Col. Richard F. Floyd will, without delay, seize upon and take under his control, all the salt and pork in the hands of private individuals (where speculators prices are demanded for either of them,) now in Apalachicola, particularly that in possession of D. K. Dodge or other persons.

Col. Floyd will cause the above articles to be securely stored at Mr. Jason Gregory's on the River, subject to the order of the Gover-

nor, except what may be required for the use of the troops under his command, and report the result of the seizure.

By order of the Governor and Commander-in-Chief.

F. L. DANCY,
Adjutant and Inspector General.

To. Col. R. F. Floyd, Commanding State Forces, Apalachicola.

[copy.]

Ocheesee, Florida,
December 5th, 1861.

Governor Milton:

Sir: According to the command given me by Col. R. F. Floyd, I herein acknowledge the receipt of twelve hundred sacks of salt shipped by him upon the Steamer Munnerlin, to my care, and will be held subject to your order.

Yours, very respectfully,

JASON GREGORY,
per R. R. Gregory.

[copy of a part of a letter from col. r. f. floyd.]

Apalachicola,
January 10th, 1862.

Dear Sir: I avail myself of Mr. Benezet's going to Tallahassee to reply to your esteemed letter of the 3d inst., received by Mr. D. K. Dodge

I am quite certain, from your Excellency's letter, that a misrepresentation has been made to you respecting the salt lately seized from Mr. Dodge, and that it is your impression that a *portion* of that article had not been seized. "*Every sack that could be found was seized*," and not a pound, that I know of, remains in possession of D. K. Dodge.

I enclose to your Excellency report of Acting Assistant Quarter Master Simmons on this subject, which will explain all. Upon the receipt of your letter by Mr. Dodge, I offered to supply him, as your letter directed, with salt for private use. His object, however, is plainly, to get *all* the "salt again in hand for speculation. If his greed could possibly be allowed, there would remain no salt for the soldiers: but I well know that such is not the object of your Excellency."

Your Excellency's most obedient servant,

[Signed.] R. F. FLOYD.

To his Excellency Governor Milton.

[COPY.]

ASSISTANT QUARTER MASTER'S DEPARTMENT,
Apalachicola, January 10th, 1862.

GENERAL: In obedience to your order of the 8th instant, to me directed, I have called upon the late Assistant Quarter Master for such information as you desire, and herewith beg leave to report that there has been turned over to the undersigned, by the late Assistant Quarter Master, *three hundred and forty-three* sacks of salt, the same being stored in a warehouse belonging to and owned by D. K. Dodge, Esq., but used by the Commissary of this Post as a store room for the same. The said salt was not removed from the place in which it was seized, on account of there being no room in the Commissary's stores for the same, but no part thereof has ever been released to or now remains in the possession of D. K. Dodge.

Your obedient servant,

H. K. SIMMONS,
Acting Assistant Quarter Master.

BRIGADIER GENERAL R. F. FLOYD.

[COPY.]

BRIGADE HEADQUARTERS,
Apalachicola, February 17th, 1862.

SIR: I have had the honor to receive your letter, directing that Lieut. Munn and his coast guard should be mustered out of State service, which was immediately done, as the enclosed report will show.

I beg to refer to the report of the Acting Quarter Master and Commissary, [enclosed], showing amount of the balance of salt in hand, and the quantity which will be necessary for the use of the State troops at this post to the 10th or 15th of March ensuing, in accordance with your orders to that effect.

I have the honor also to enclose to you the copy of a letter to Mr. D. K. Dodge, in consequence of your orders to me respecting the disposition to be made of the balance of the salt, upon the conditions you name. I have not, up to this date, had any reply from Mr. Dodge, and will continue to hold the salt until the condition you require is complied with.

I have the honor to be,
Your Excellency's very obedient servant,

R. F. FLOYD,
Brigadier General Commanding.

HIS EXCELLENCY GOVERNOR MILTON, Tallahassee, Fla.

[COPY.]

BRIGADE HEADQUARTERS,
Apalachicola, Febuary 14th, 1862.

D. K. DODGE, ESQ., Apalachicola:

Sir: I am ordered by his Excellency Governor Milton, to turn over to you certain salt held here, "upon the dismissal of the suit by Mr. Dodge."

I know nothing whatever of your intentions respecting the matter, and shall be glad, if agreeable to you, to know them.

Very respectfully, your obedient servant,

R. F. FLOYD,
Brigadier General Commanding.

[COPY.]

OFFICE A. C. S.,
Apalachicola, February 15th, 1862.

General: In compliance to Special Order No. 53, I beg leave to report that the amount of salt held by me, and now in my possession, amounts to three hundred and thirty-three (333) sacks more or less; that of this amount there is due Thos. Austin, in virtue of your order of February 11th inst., twenty-two (22) sacks, which amount has not yet been delivered to Mr. Austin, he not being prepared to receive it up to the present time.

I beg further to report, that the amount of salt necessary for the subsistence of the troops from this day to the 15th March, will be ten (10) sacks, in addition to the amount now in the commisserat.

Your obedient servant,

H. K. SIMMONS, A. C. S.

To GEN. R. F. FLOYD, Comd'g State Troops.

[COPY.]

HEADQUARTERS,
Tallahassee, February 20th, 1862.

GEN. R. F. FLOYD:

Sir: If Mr. Dodge has not, previously to the receipt of this, acceded or agreed to accede to the proposition made, after reserving enough salt to subserve the purposes of the force at Apalachicola, and restoring to Mr. Austin the amount received from him, send the balance to Chattahoochee, to the care of Mr. Meacham, who will be instructed how to dispose of it. There is too much need among our citizens for it to be permitted to remain where it may possibly fall into the hands of the enemy.

I have the honor to be, yours, with respect,

JOHN MILTON,
Governor and Commander-in-Chief.

THE FOLLOWING AMOUNTS HAVE BEEN RECEIVED FROM THE SALES OF SALT SEIZED AT APALACHICOLA.

From Isaac R. Harris for 400 sacks, sold at $5,00,		$2,000 00
" H. M. Lipford " 100 " " " " "		500 00
" Jason Gregory " 122 " " " " "		610 00
" Isaac Widgeon " 455 " $2,275 00		
Less expenses of sale,	113 75	2,161 25
" Timmerman, for 1 sack, - - - - -		6 00
" Meacham & Brother, for 55 sacks, sold at $5 50,		302 50
" A. A. Canova, Q. M., 131 sacks, sold at 13 00,		1,703 00
" " " " for 173 26-68 bushels—66 sacks at $4 33 per bushel, - - - - -		750 72
		$8,033 47
There has been received from Jason Gregory the further sum of - - - - - - - - - -		145 00
Total cash received, - - - - - - -		$8,178 47

THERE IS YET DUE FOR SALT SOLD THE FOLLOWING AMOUNTS, VIZ:

From W. J. Robinson, Q. M., taken for the use of State troops, 50 sacks at $5 00, - - - - -	$250 00
From Mr. Hodgkiss, for the use of Capt. King's Company, 50 sacks at $5 00, - - - - - -	250 00
From H M. Lipford, for 24 sacks at $5 00, - -	120 00
" 6th Reg't State troops, 5 sacks at $5 00, -	25 00
Amount due and uncollected. - - - -	$645 00

The amount used by the State forces, while at Apalachicola, has not been accounted for. From the data at hand it is supposed to amount to 30 to 35 sacks.

At the time of the evacuation of Apalachicola, the balance of the salt on hand was put on board the steamboat Marianna, and taken to Fort Gaines, and put in the warehouse there, instead of being landed at Chattahoochee. No disposition of this salt has yet been made. There are 19 bbls., 6 tierces, and 5 boxes of it—supposed to contain about 60 or 70 sacks in all.

STATEMENT OF RECEIPTS AND DISBURSEMENTS ON ACCOUNT OF THE FLORIDA HOSPITAL AT RICHMOND, VA., VIZ:

To amount advanced by His Excellency, the Governor, State funds - - - - - - - - -	$3,500.00
To amount contributions from sundry persons - -	540.00
To contributions received by the hands of Gen. M. Whit. Smith - - - - - - - - - -	2,500.00
	$6,540.00

By disbursements (per vouchers returned) viz:

By amount paid from State funds	- -	$3,499.47
By amount paid from contributions	- -	1,363.03—$4,862.50
Balance on hand November 1, 1862	- -	$1,677.50

EXECUTIVE DEPARTMENT,
MILLEDGEVILLE, GA., December 16th, 1861.

His Excellency JOHN MILTON:

SIR: I have the honor to transmit herewith a copy of Joint Resolutions recently adopted by the General Assembly of Georgia. The Legislature has not directed me to forward them, but I do so under the conviction that you will be pleased to learn the action of Georgia on the important subject to which they relate.

Very respectfully, JOSEPH E. BROWN.

JOINT RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA, PASSED AT ITS LATE SESSION.

Resolved, by the Senate and House of Representatives of the State of Georgia in General Assembly met, That it is the sense of this General Assembly that the separation of those States now forming the Confederate States of America, from the United States, is, and ought to be, final and irrevocable, and that Georgia will, under no circumstances, entertain any proposition from any quarter, which may have for its object a restoration or reconstruction of the late Union, on any terms or conditions whatever.

Resolved, That the war which the United States are waging upon the Confederate States, should be met, on our part, with the utmost vigor and energy, until our independence and nationality are unconditionally acknowledged by the United States.

Resolved, That Georgia pledges herself to her sister States of the Confederacy that she will stand by them throughout the struggle—she will contribute all the means which her resources will supply, so far as the same may be necessary to the support of the common cause, and will not consent to lay down arms until peace is established on the basis of the foregoing resolutions.

WARREN AKIN,
Speaker of the House of Representatives.
JOHN BILLUPS,
President of the Senate.
L. CARRINGTON,
Clerk of House of Representatives.
JAMES M. MOBLEY,
Secretary of Senate.
JOSEPH E. BROWN, Governor.

Approved December 11th, 1861.

Act of the General Assembly of the State of Georgia in relation to monopolies, &c., and Correspondence and Resolutions.

—o—

EXECUTIVE DEPARTMENT,
Milledgeville, Georgia, December 30th, 1861.

SIR: In conformity to the accompanying Joint Resolution passed by the General Assembly of this State, at its late session, I have the honor herewith to transmit to your Excellency a copy of the Act therein referred to.

Very Respectfully,
JOSEPH E. BROWN.

To His Excellency, JOHN MILTON, Governor of Florida, Tallahassee.

RESOLUTIONS.

Resolved, by the Senate and House of Representatives of the State of Georgia, That his Excellency be, and he is hereby requested to have transmitted to each of the Governors of the Confederate States, a copy of the Act passed by the General Assembly of Georgia, entitled "An Act to prevent monopolies and extortions in this State," with the request that the same shall be laid before the General Assembly of said States respectively.

Resolved, That we most respectfully solicit the General Assembly of each of said States to take such action as to them may seem best to prevent monopolies and extortions with a view to equalize the prices of necessity and army supplies.

WARREN AIKEN,
Speaker House of Representatives.
L. CARRINGTON, Clerk House of Representatives.
JOHN BILLUPS, President of the Senate.
JAMES M. MOBLEY, Secretary of Senate.
Assented to December 16th, 1861.
JOSEPH E. BROWN, Governor.

An Act to prevent, during the existing War, Monopolies, Extortions and Speculations in breadstuffs and other articles of general use and consumption, and to make such acts criminal, and to provide penalties for the same.

SECTION 1. *Be it enacted by the General Assembly*, That if any person shall purchase any articles of clothing, shoes, leather, cloth of any kind, provisions, wheat, flour, corn meal, meat, ba-

con, hogs, cattle, salt, bagging, rope and twine or any, or either of the aforesaid articles, or any article of clothing, and shall falsely represent that he, or they, is or are purchasing such article or articles for the soldiers or Government, or army of this State, or of the Confederate States, or of any of the Confederate States, or shall, by any fraudulent contrivance, induce, or attempt to induce the vendor to believe that he or they is, or are purchasing such article or articles for the army or Government of this State, or the Confederate States, or of any of the Confederate States, such person so offending shall be guilty of a felony; and upon conviction thereof in the county where the purchase may be made, shall be punished by imprisonment and hard labor in the Penitentiary, not less than one year nor longer than three years; and upon all trials for such offence, after proof of the representation shall be made, onus of proving the agency shall rest upon the defendant.

Sec. 2. *Be it further enacted*, That all and every person or persons who shall monopolize any of the articles above mentioned, with intent to produce a scarcity of such article or articles in the market, or of raising the price or prices of such articles, or either of them, or if any person or persons shall purchase, procure, or receive any of the articles specified in the preceding section, and hold the same for the purpose of engrossing the market and raising the price of such article or articles, such person or persons so offending shall be guilty of a misdemeanor; and upon conviction thereof shall be fined in a sum not less than five hundred dollars, nor exceeding five thousand dollars.

Sec. 3. *Be it further enacted*, That if any person or persons who shall exact, demand or receive exhorbitant, unjust, or unreasonable prices for any of the articles enumerated in the foregoing sections of this act, shall be guilty of the crime of extortion; and upon conviction thereof, shall be punished by fine or imprisonment, or both, in the discretion of the Court; the fine not to exceed one thousand dollars, and the imprisonment not to exceed six months.

Sec. 4. *Be it further enacted*, That in all trials for a violation of the *third* section of this Act, the jury may take into consideration the cost of producing the articles, with expenses of transportation to market; if the defendant be manufacturer or producer thereof, and the original price paid therefor, with cost of transportation, if the defendant be a merchant or trader.

Sec. 5. *Be it further enacted*, That if any, or either of the offences specified and described in the foregoing sections, shall be committed by a corporation through its agents, the President and Directors of such corporation, as also the agent so offering

the article for sale, shall be liable to be severally indicted for such offence; and upon conviction, shall be punished as hereinbefore prescribed.

Sec. 6. *Be it further enacted*, That any of the above articles may be purchased without the limits of this State, and imported into this State for sale, and at a price not exceeding the current prices in the neighborhood where the same may be offered for sale.

Sec. 7. *Be it further enacted*, That it shall be the duty of the Judges of the Supreme Courts of this State, at the opening of their respective Courts, to give the provisions of this Act in special charge to the Grand Jury.

Sec. 8. *Be it further enacted*, That in all indictments under this Act, it shall only be necessary to state the offence generally and substantially in the words of this act.

Sec. 9. *Be it further enacted*, That this Act shall take effect and go into operation from and after the 15th day of this present month, and shall continue in force for twelve months, or until the end of the present war.

JOHN BILLUPS, President of Senate.

James M. Mobley, Secretary of Senate.

WARREN AIKEN,
Speaker House of Representatives.

L. Carrington, Clerk House of Representatives.

Assented to Dec. 11th, 1861.

JOSEPH E. BROWN, Governor.

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